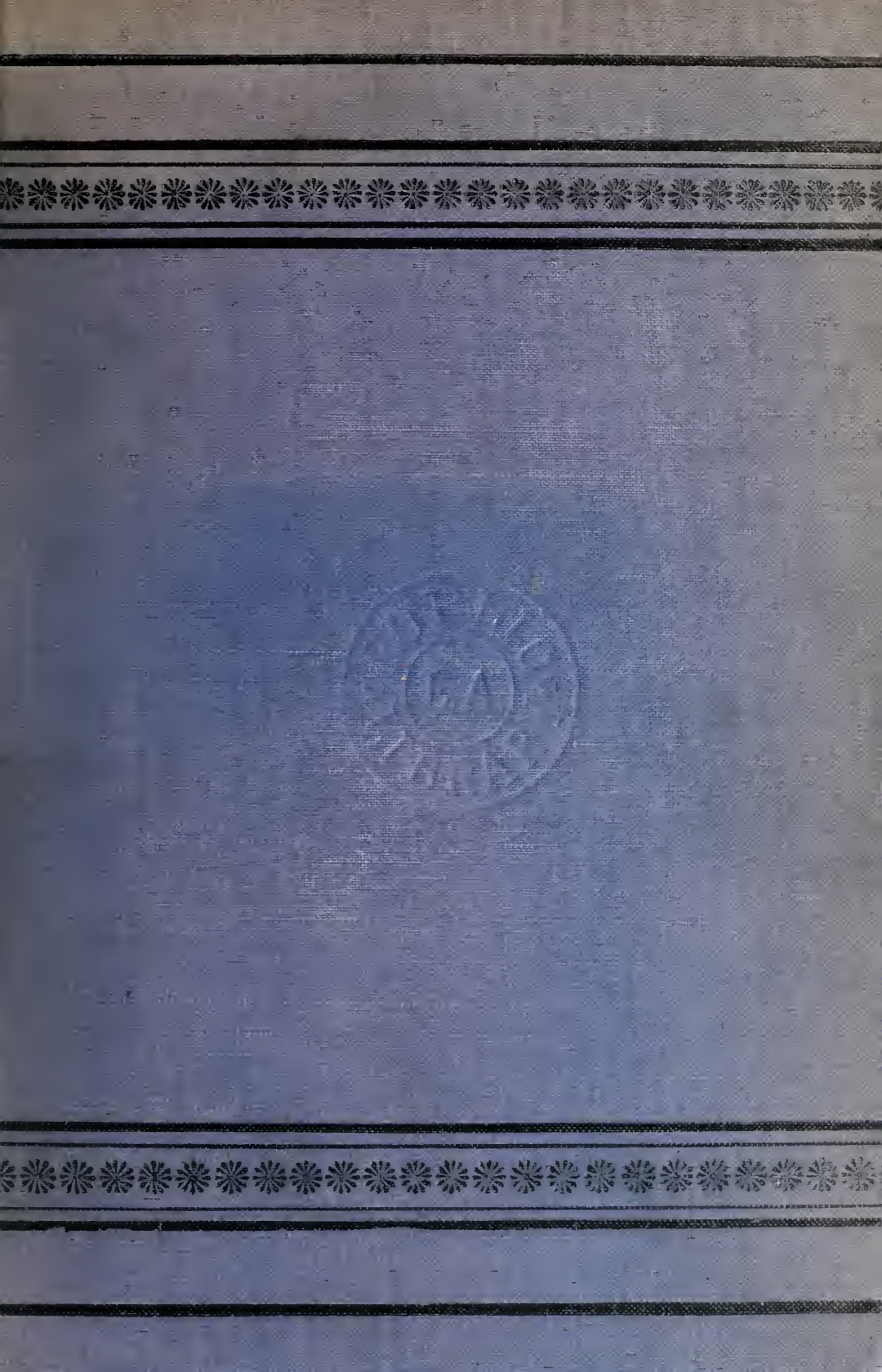

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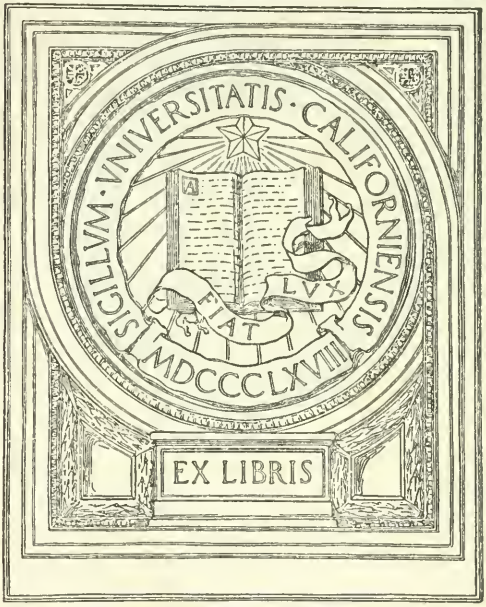

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THE CHARTER

OF THE

CITY OF DETROIT

WITH

AMENDMENTS THERETO

AND THE

ACTS OF THE LEGISLATURE

RELATING TO OR AFFECTING
THE CITY OF DETROIT

Compiled under the direction of TIMOTHY E. TARSNEY, Corporation Counsel, pursuant to resolution of the Common Council

DETROIT
THOS. SMITH PRESS, CITY PRINTERS

1904

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THE CHARTER

OF THE

CITY OF DETROIT

CHAPTER I.

An Act to Provide a Charter for the City of Detroit, and to repeal all Acts and Parts of Acts in conflict therewith.

Approved June 7th, 1883; given effect July 1st, 1883.

INCORPORATION: CITY AND WARD BOUNDARIES.

(§ 1) Section 1. The people of the state of Michigan enact: That the inhabitants of the city of Detroit shall continue to be one body politic and corporate, under the name and style of the city of Detroit; and as such shall have, exercise and enjoy such powers of a local legislative and administrative character as are conferred by this act, or by the general laws of the state of Michigan, and shall also exercise and enjoy such implied and incidental powers and rights as are of right possessed by municipal corporations in this state. (As amended by Act approved June 4, 1895.)

Name and powers

210663

Departments.

(§ 2) Sec. 2. The powers of local government possessed by said city are divided into two departments, the legislative and administrative. No person or body belonging to one department shall exercise powers properly belonging to the other, except in cases expressly provided in this act.

Boundaries.

(§ 3) Sec. 3. The territorial limits of the said city of Detroit shall include all that tract of country in the county of Wayne, bounded and described as follows: Beginning at the intersection of the national boundary line in the Detroit river, with the easterly line of private claim number two hundred fifty-seven extended, running thence northerly along the easterly line of said private claim number two hundred fifty-seven and along the easterly line of the back concession to said private claim number two hundred fifty-seven to the center of the Butler road so called; thence westerly along the rear lines of private claims to the center of St. Charles avenue; thence northwesterly along the center of St. Charles avenue to the center of Strong avenue; thence along the center of Strong avenue, westerly and northwesterly, to the intersection of the center line of Mt. Elliot avenue extended; thence westerly along a line parallel with the northerly line of the Boulevard to the easterly line of St. Aubin avenue; thence northerly along said easterly line of St. Aubin avenue and St. Aubin avenue extended, to a point in fractional section thirty-nine, town one south, range twelve east, said point being two hundred and thirty-three feet northerly of the southerly line of said quarter section thirty-nine; thence westerly on a line parallel with the southerly line of said quarter section thirty-nine, and being two hundred and thirty-three feet northerly of the southerly line of said quarter section thirty-nine, to a point two hundred and thirty-three feet easterly of the center

Boundaries.

line of Oakland avenue so called; thence northerly on a line parallel with said center line of Oakland avenue, and Oakland avenue extended, and two hundred and thirty-three feet easterly thereof to a point indicated by and intersecting the easterly and westerly center line of quarter section twenty-three of the ten thousand acre tract in Hamtramck township; thence westerly from said last mentioned point along the center line of quarter section twenty-three and twenty-four of the ten thousand acre tract in Hamtramck township, across Woodward avenue so-called, and along the center line of quarter sections twenty-five and twenty-six of the ten thousand acre tract in Greenfield township, to a point two hundred and fifty feet westerly of the center line of Crawford street, so called, extended, thence southerly on a line parallel with the center line of Crawford street extended, and two hundred and fifty feet westerly thereof, to a point in quarter section thirty-five of said ten thousand acre tract, two hundred and thirty-three feet northerly of the center line of the Williams road, so called; thence westerly on a line parallel with the center line of said Williams road, and two hundred and thirty-three feet northerly thereof to the westerly line of Twelfth street; thence southerly along the westerly line of Twelfth street to a point two hundred and twenty-four and three-fourths feet northerly of the northerly line of the Boulevard; thence westerly on a line parallel with and two hundred and twenty-four and three-fourths feet northerly of the northerly line of the Boulevard to a point in section fifty-two of the ten thousand acre tract, said point being two hundred feet west of the west line of the Boulevard in section two, town two south, range eleven east extended north; thence south on a line two hundred feet west of and parallel with the west line of said Boulevard to

Boundaries. the northerly line of the private claims; thence westerly on the rear of the northerly line of the private claims to the westerly line of back concession, private claim thirty; thence westerly in a direct course to the easterly line of private claim two hundred and sixty-six; thence southerly along the easterly line of private claim wo hundred and sixty-six to the southerly line of Toledo avenue; thence westerly along the southerly line of Toledo avenue to the westerly line of Livernois avenue; thence southerly along the westerly line of said Livernois avenue to the northerly line of the Dix road; thence westerly on said northerly line of said Dix road to the westerly line of Artillery avenue extended; thence southerly along said westerly line of Artillery avenue extended to the national boundary line in the Detroit river, and thence along the national boundary line in the Detroit river up stream to the place of beginning; and also all that parcel of land situated in the Detroit river and known as Belle Isle. (As amended by Act approved June 2, 1897.)

Ward Boundaries. (4.) Sec. 4. The said city is hereby divided into the following wards:

First Ward. First. The first ward shall consist of all that part of city lying between the center lines of Woodward avenue and Beaubien street, and the said lines extending northerly and southerly to the city limits.

Second Ward. Second. The second ward shall consist of all that part of said city bounded on the east by the center line of Woodward avenue, and on the west by the center line of First street, from the Detroit river to the center line of Grand River avenue, up Grand River avenue to the center line of Second street, along the center line of Second street, and the said lines extended northerly and southerly to the city limits.

Third. The third ward shall consist of all that part of said city lying between the center lines of Beaubien street and Hastings street, and the said lines extended northerly and southerly to the city limits. Third Ward.

Fourth. The fourth ward shall consist of all that part of said city lying between the westerly boundary line of the second ward above described and the center line of Crawford street, from the northerly city limits to the center line of Grand River avenue; thence through Grand River avenue to the center line of Fifth street, and down the center line of Fifth street, and the said lines extended northerly and southerly to the city limits. Fourth Ward.

Fifth. The fifth ward shall consist of all that part of said city lying between the center lines of Hastings street and Russell street, and the said lines extended northerly and southerly of the city limits. Fifth Ward.

Sixth. The sixth ward shall consist of all that part of said city lying between the west boundary line of the fourth ward above described and the center line of Trumbull avenue, and the said lines extended northerly and southerly to the city limits. Sixth Ward.

Seventh. The seventh ward shall consist of all that part of said city lying between the center line of Russell street and Dequindre street, and the said lines extended northerly and southerly to the city limits. Seventh Ward.

Eighth. The eighth ward shall consist of all that part of said city lying between the east line of Godfrey farm and the center line of Trumbull avenue, and the said lines extended northerly and southerly to the city limits. Eighth Ward.

Ninth. The ninth ward shall consist of all that part of said city lying between the center lines of Dequindre street and Ninth Ward.

Chene street and the said lines extended northerly and southerly to the city limits.

Tenth Ward. Tenth. The tenth ward shall consist of all that part of said city lying between the west line of the Loranger farm and the east line of the Godfrey farm, and the said lines extended northerly and southerly to the city limits.

Eleventh Ward Eleventh. The eleventh ward shall consist of all of that part of said city lying between the center lines of Chene street and McDougall avenue, and the said lines extended northerly and southerly to the city limits.

Twelfth Ward. Twelfth. The twelfth ward shall consist of all that part of said city lying between the west line of the Loranger farm and the westerly line of the Porter farm, and the said lines extended northerly and southerly to the city limits.

Thirteenth Ward. Thirteenth. The thirteenth ward shall consist of all that part of said city lying between the center line of McDougall avenue and the center line of Mount Elliott avenue, and the said lines extended northerly and southerly to the city limits.

Fourteenth Ward. Fourteenth. The fourteenth ward shall consist of all that part of said city lying between the westerly line of the Porter farm and the westerly line of private claim forty-seven, and the said lines extended northerly and southerly to the city limits.

Fifteenth Ward. Fifteenth. The fifteenth ward shall consist of all that part of said city lying east of the center line of Mount Elliott avenue extended northerly and southerly to the city limits and the center line of Field avenue extended northerly and southerly to the city limits and shall include that parcel of land situate in the Detroit river, known as Belle Isle.

Sixteenth. The sixteenth ward shall consist of all that part of said city lying west of the westerly line of private claim forty-seven, and the said lines extended northerly and southerly to the city limits. (As amended by act approved May thirteen, eighteen hundred and ninety-one.) Sixteenth Ward.

Seventeenth. The seventeenth ward shall consist of all that part of said city lying east of the center line of Field avenue extended northerly and southerly to the city limits. The present officers of said fifteenth ward shall continue to transact the business of said seventeenth ward until the next regular election of city and ward officials. (As amended by act approved May twenty-eight, eighteen hundred and ninety-seven.) Seventeenth Ward.

CHAPTER II.

REGISTRATION AND ELECTION.

Act approved June 4, 1895.

(§ 5) Section 1. No city election shall be held in November, nineteen hundred one, and annual city elections are hereby abolished. A biennial city election shall be held on the first Tuesday after the first Monday in November in the year nineteen hundred two, and every second year thereafter in connection with the general State election held on the same day and to be conducted by the same officers. A biennial spring election shall be held on the first Monday of April in the year nineteen hundred three, and every second year thereafter in connection with the State judicial election held on the same day, and to be conducted by the same officers. The election districts in the several wards of the city of Detroit as now established shall remain until they shall be changed as provided by this act. It shall be the duty of the common council when any election district shall contain over six hundred and fifty electors to either divide such voting district into two or more election districts, attach a portion thereof to an adjoining district, or re-district the entire ward or any part thereof in which such election district is located. When a district shall be divided, or the boundaries thereof changed, the common council shall assign the several registrars and inspectors who were elected at the last preceding election in such district, to the new districts in which they respectively reside, and to appoint a sufficient number of qualified electors of such new districts, who, with the persons so

Annual City Elections abolished.

Biennial city elections, when held.

Biennial spring elections, when held.

Election districts.

Division of election districts.

Registrars where district is divided.

assigned, and a chairman to be designated by the common council, shall constitute the registrars and inspectors of election of such new district. Election districts shall be bounded by ward lines, by streets or alleys, or other well known and established boundary lines. Notice of a general re-registration of electors in all new districts shall be embodied in the notice of registration required by this act, to be published by the city clerk, and such registration shall be made in the same manner as is provided herein for the new registration directed to be made every fourth year, excepting that the sessions of the board other than in such fourth year shall be held on the same days as the other sessions are held in intermediate years, as herein provided. (As amended by act approved May twenty-one, nineteen hundred and one.)

Ward lines to bound election districts.

Notice of registration.

Registration in divided districts, when held.

(§ 6) Sec. 2. There shall be elected by ballot at the biennial November election in the city of Detroit in November, nineteen hundred two, and at the November election in each second year thereafter in each of the several election districts, three qualified electors of the district, who shall constitute a "Board of Registration of Electors." They shall qualify by taking the constitutional oath of office, to be filed with the city clerk, and shall hold office for two years from the first day of January next following their election and until their successors are elected and qualified, and if from death, failure to qualify, removal from the district or other cause, a vacancy in such office shall occur, or the person elected be unable to perform the duties of the office, the common council may appoint a suitable person to perform such duties for the remainder of the term or until the disability be removed. At the election of such persons, no elector shall vote for more than two candidates and from the whole

Registrars to be elected at the November elections.

"Board of Registration of Electors," how to qualify.

To hold office for two years.

Vacancies in board, how filled

number of votes cast the three persons receiving the highest number of votes cast for such office shall be declared elected. The person receiving the highest number of votes shall be the chairman of the district boards of registration and inspectors of elections as herein constituted. Tie votes shall be determined in like manner as cases of an equal number of votes cast for the other city offices. The registrars shall be persons who can read and write in the English language intelligently. The fact that a registrar or inspector is a candidate for re-election shall not disqualify him from acting as such inspector or registrar. (As amended by act approved May twenty-one, nineteen hundred one.)

How elected.

Chairman of the Board.

How tie vote to be decided.

When not disqualified.

(§ 7) Sec. 3. Any vacancy occurring in the chairmanship of any district board of registration by death or removal from such district, may be filled by the common council. In the year eighteen hundred and ninety-six, and every fourth year thereafter, there shall be a new general registration of all the electors in the several election districts, and for that purpose the several district boards of registration shall meet at the place designated in the notice published by the city clerk as hereinafter provided, on the fourth Monday and on the third Tuesday and Wednesday preceding the general election in November of said years and in each fourth year thereafter, and shall continue in session on each of said days between the hours of eight o'clock, local time, in the forenoon, and nine o'clock, local time, in the evening of each day, without adjourning. Such general re-registration shall be made in the "register of electors" for such districts and shall be of the names of all persons at the time residing in such districts and qualified as electors in said districts according to the

Vacancy in office of chairman of board.

General registration.

provisions of the constitution and as hereinafter provided. Their sessions shall be public.

Challenges.

The board at every session shall have power and it shall be their duty to question every person presenting himself for registration, touching his residence and other qualifications, as an elector of the district, and such other matters as are required to be entered in said register, and it shall be the duty of the applicant to make truthful answers to all such questions, and the board may employ an interpreter, if they deem it necessary, who shall be sworn truly and impartially to interpret all such questions and answers, and it shall be the duty of said board, on the demand of any of them or of any elector who shall be present, to administer to all persons who shall personally apply to register, the following oath or affirmation: "You do solemnly swear (or affirm) that you will fully and truly answer all such questions as shall be put to you, touching your place of residence, name, place of birth, your qualifications as an elector and your right as such to register and vote under the laws of this state." Either of said registrars may administer the oath to the applicant and the oath to the interpreter, if one be employed.

Registration of qualified electors

(§ 8) Sec. 4. Every male person who is or at the next election in said city of Detroit will be entitled to vote therein, on personal application in the election district where he lawfully resides, and complying with the requirements herein, may be registered as an elector therein, but not otherwise. And it shall be the duty of every elector resident in said city to see that his name has been so registered, and no person shall be deemed or held to have acquired a legal residence in any ward or election district for the purpose of voting therein at any election therein, unless he shall have caused himself to be registered as an elector in

said district, in the manner and at the time hereinafter prescribed, and no person shall be registered as an elector of said city at any other time or place than those which are in this act designated; nor shall any ballot be received by the inspectors at any election on any pretense whatever unless the name of the person offering such ballot shall have been entered in the register of the district in which he claims to vote as herein provided.

Register of electors to be kept by City Clerk.

(§ 9) Sec. 5. On or before the first day of October in each year when the general registration of electors is required to be made, the city clerk shall procure and have in readiness a book for each and every election district in said city for the registration of electors therein, and it shall be styled as "The Register of Electors" for such district. Each register shall be made of good and suitable paper and substantially bound and contain space and ruled lines for at least twelve hundred names and be arranged and ruled in parallel columns with printed headings, in the following order: Number (consecutively); full name; residence; age; term of residence in state and ward; nativity; naturalized; declared intention prior to May fourth, eighteen hundred and ninety-two: date of registration; sworn; remarks; and the ruling and heading on each page of the register shall be according to the following diagram enlarged: (See next page.)

REGISTER OF ELECTORS ..... DISTRICT ..... WARD.

No.	Full Name	Residence	Age	Term of Residence		Nativity	Naturalized or declared intention to become a citizen prior to May 4, 1892		Date of Registration	Sworn	Remarks
				In State	In Ward		Naturalized	Declared Intention			

Board of Registration to examine applicants.

(§ 10.) Sec. 6. The district board of registration having openly and publicly met at the time and place herein appointed, shall proceed as follows: They shall examine each applicant as to his residence and qualifications as an elector, and if it shall be determined by the board that he is a qualified elector in such district, then he shall be registered in the register, and the proper entries made in the respective columns, and if any elector present so demands, shall enter the word "challenge" in the column for remarks.

Qualifications of applicants for registration.

(§ 11) Sec. 7. Only the names of such male persons as are of the age of twenty-one years residing in such district shall be entered on said register, but every applicant who would be twenty-one years of age on the date of the next election, if otherwise qualified, may be so entered. Every applicant who has commenced to reside in such ward and who has resided therein a sufficient number of days with those that may intervene between the date of application and next election, to make twenty days, may be entered in said register if he be actually a resident of such district and otherwise qualified, but in such case they shall enter in the column of "Remarks" the word "challenge," and unless on the day of election he shall have resided for full twenty days in such ward and is then a resident of such district, such applicant cannot vote therein, although otherwise qualified.

How entered in register.

(§ 12) Sec. 8. The register shall be ruled and one name shall be written on each line, but no name shall be written between lines. In entering the number of the applicant, the numbers shall be filled up consecutively, leaving no blank, and in name they shall include his christian name in full, as well as his surname.

The names shall be entered consecutively in the order in which the applicants apply to be registered. The other entries shall be as follows.

First. In the column headed "residence" the name of the street, avenue and number of the dwelling, if there be a definite number, and if there shall not be a number or name, such clear and definite description of such place and dwelling as shall enable it to be readily ascertained. If there shall be more than one house at the number given by the applicant as his place of residence, state in which house he resides, and if there be more than one family residing in said house he must state either the floor on which he resides or the number and location of the room or rooms occupied by him, whether front or rear. Every floor below the level of the street or ground being designated as a basement, the first floor above such level being designated as the first floor.

Second. In the column headed "names," enter the name of the applicant, writing the surname first and the given or christian name after.

Third. In the column headed "nativity," the state, kingdom, empire or dominion where the applicant was born.

Fourth. In the columns headed "term of residence" and their subdivisions, the periods by day, month or year stated by the applicant for which he has resided in the state and ward.

Fifth. In the column headed "naturalized," the word "yes" if the applicant be a naturalized citizen.

Sixth. If the applicant be not a native born citizen and is not a naturalized citizen, but has declared his intentions to become a citizen two years and six months or more before the

eighth day of November, eighteen hundred and ninety-four, in the column headed "declared intentions," enter "yes."

Seventh. It shall not be necessary to enter under the headings of naturalized or declared intention, any entry as to any elector excepting only such persons as have become entitled to vote by reason of naturalization, or a declaration of intention, made two years and six months or more before the eighth day of November, eighteen hundred and ninety-four.

Eighth. In the column headed "date of registration," the date on which the application was actually registered, and none other.

Ninth. In the column headed "sworn," will be entered the word "sworn" (or affirmed) if the applicant is required to take an oath or affirmation.

(§ 13) Sec. 9. At the close of each day's registration, the registrations for the day shall then be ruled off by double lines to be drawn by the registrars across the page in ink and immediately under the last name and statement so registered; and the registrars shall make a note in writing under such double lines, stating "close of first, second and so forth, day's registration," and attest the same by the signature of the chairman or two of the registrars.

Custody of registers.

(§ 14) Sec. 10. The registers of electors shall be placed in charge of such a member of the board at the end of each day, as the board shall designate, and at the close of the session on the last day of registration shall be deposited in the office of the city clerk, and when not in the official use of the registrars or other persons lawfully entitled to the use and custody thereof, they shall at all times be deposited and locked up in the office of the city clerk, but subject to be produced for inspection at all proper times.

In what district to be registered.

(§ 15) Sec. 11. In addition to the other questions, which will be put to applicants desiring to be registered, the board shall require such applicant to answer, under oath, as to whether he has been registered in any other district, and if it appears that he has been so registered, they shall decline to enter his name on the register until he shall produce a "removal certificate" as hereinbefore provided, and any elector who, being duly registered in the district where he then resided, shall remove into another district in the same city, may apply in person to the registrars of his previous district for a "removal certificate," and the same shall be made and signed by them, certifying his said registration, with all its particulars, as shown on their registers, but adding his statement of the new residence and district to which he has removed. They shall then immediately cancel his registration on their registers and list of electors by drawing double lines in ink through the same and noting his "removal," and the ward and district to which he has removed in the column of "remarks," but such note much be subscribed in the register by one of the registrars. And when by mistake a qualified elector has caused himself to be registered in a district which was not his place of residence, the registrars therein, on full and satisfactory proof that such error was committed by mistake, and without fraud or any unlawful intent may, on his personal application and proof of his true residence, give him a similar certificate as in case of removal, and cancel his registration in the same manner on their registers and list of electors. And the certificates in case of removal, or mistake so granted, shall, if presented in due time to the registrars of the district where such person so certified, lawfully resides, and proper proof thereof made to them, entitle such persons to be registered therein as

herein provided. But in all cases where registration is made upon certificates from the board of registration of other districts, such certificates must be retained by the board to whom it is presented and returned by them to the office of the city clerk; such certificate shall be signed in order to be of any validity, by at least one of the registrars of the district in which the registration is first made. No person shall be registered upon production of any such removal certificate unless and until he shall have satisfied the board of registration, to whom he shall have presented such certificate, that he is a qualified elector and entitled to be registered in such district, and such "removal certificate" shall not be deemed evidence of his qualification as an elector in such district.

Lists of persons registered to be left with City Clerk.

(§ 16) Sec. 12. At the close of the registration on the last day of the sessions of said board, held in October of each year, said district board of registration shall make out in books to be prepared, furnished to them by said city clerk, a list of all the registered electors in their district, whether registered by them or by any preceding board, as herein provided, arranged alphabetically, in the order of their surnames, followed by their full christian names, ages and residences, as registered, and the registered number of each prefixed. The books to be prepared for this purpose shall be ruled in columns with printed headings, as follows, namely: Registry number.....Name..... ....., Age ....., Residence .....Voted November, 18.., Sworn ..... Voted April, 18.., Sworn ..... Voted ....., Sworn..... ....., Remarks ..... These said lists shall be carefully compared by the registrars of each district with the registers thereof, and they shall then attach thereto a certificate

as follows: We, the undersigned, members of the district board of registration of electors, in .....district,....., ward, of the city of Detroit, do certify that the foregoing list is a true and correct copy of the names, ages, residences and registry numbers, and of any entries in the column of "remarks' 'opposite such names on the registers of said districts of all persons who have been registered as residents and qualified electors in said district, dated this.....day of..... in the year .....hundred and.....," and which certificate shall then be signed by all members of said district board, and said list shall be delivered, together with the register of electors for said district to the city clerk, for use by the board of inspectors at the elections held in the fall of the year, and in the year following, until a new list be made at the registration made in the month of October. At the registrations made in the spring of the year, and at any registration preceding a special election the board of registrars will complete said list by adding thereto the names of any qualified electors registered by them, said names to be entered in the same manner, and there shall be annexed thereto a like certificate, as is rquired as above provided to be made by the registrars at the fall registration. Said list shall be known and marked as the "Election list of electors" for the .....district, ... ward (naming the district and ward). Any entries in the column of remarks set opposite any name in the register shall be copied into the like column in the list of electors.

When Registration to be held.

(§ 17) Sec. 13. On the fourth Monday, and on the third Tuesday and Wednesday preceding the general election held in November, and the third Monday and Tuesday preceding the election held in April in said city, the district boards of registration

shall be in session in their respective districts at such places as shall be designated in the notice of registration to be published by the city clerk as hereinafter provided from eight o'clock local time, in the forenoon to nine o'clock, local time, in the evening of each of said days, without intermission. At such sessions of such district board, they shall review and complete the list of qualified voters for such district. Such registration shall be made in the "register of electors" for such district and shall be made in the manner provided in this act for a general registration of electors in every fourth year. And all the provisions of law in relation to receiving applicants for registration, and the registrations of such applicants, shall be held applicable to, and govern the registration in such intermediate years. On reviewing the list of electors appearing on such register, if it shall be known to the board that any person whose name appears herein (therein), is dead, or has removed from the city, they shall enter the word "dead" or "removed from the city" opposite such name in the column headed "remarks," and they may further draw a line in red ink through such name. They shall also opposite such entry, in said column of remarks, enter the date of entry and the name of the registrar making it, so as to show when and by whom made, and thereafter such name shall be considered erased, and treated as no longer in the register. But, if it shall happen that such entry is erroneously made, and such persons shall thereafter appear and claim the right to be again registered, he may be registered by the board of registration, in the same manner as though his name had never been erased, or if he shall appear at an election and claim the right to vote thereat, his name may, on his application, be again registered upon the following terms: He shall upon his examination, on his oath or affirmation, which any member of the board of inspectors may administer, declare

Board to review and complete the list of voters.

Provisions of general laws relative to applicants for registration, applicable.

Record of "Deaths" and "Removals."

Erroneous entry of Record of "Death" or "Removals," how corrected.

that he is the identical person whose name was so registered and erased, and that he is a qualified voter and entitled to vote; and upon making such oath or affirmation, the board of inspectors being satisfied that he is a duly qualified elector, his name may be registered in the manner above described by a member of the board of inspectors, and by its order, the proper entries being entered in the proper register, under the appropriate heading and the name and residence of such person entered in the list made by the board of registration for the use of said board of inspectors, as above provided, and in the column of remarks in the "register of electors," there shall be entered opposite such name the words "registered by inspectors," followed by the signature of one of the board of inspectors. And if such applicant shall affirm or swear falsely he shall be liable to the pains and penalties of perjury, and if an entry shall be made falsely and maliciously, and without credible information, indicating in said register that any person is dead, or who has removed from the city, the member of the board making it, and any other member of the board consenting thereto, shall be deemed guilty of a misdemeanor, and be punished as such; and the party aggrieved shall be entitled to recover from him or them in an action on the case, treble damages for the injury, and treble costs of suit, in any court having jurisdiction of the case, and the record of the defendant's conviction of the criminal offense, duly authenticated, shall be prima facie evidence of his liability. In cases of special elections held in any ward or wards, and not in the city generally, removal certificates provided by section eleven, shall be made and issued by the city clerk, and he shall perform the duties in such case provided to be done by the registrars of the district from which the applicant shall have removed. (As amended by act approved May twenty-one, nineteen hundred and one.)

Penalty for false swearing.

When Removal Certificates to be issued by City Clerk.

(§ 18) Sec. 14. All entries in said register, and in the election list of electors, shall be made in ink, and no member of said board of registration shall write or make any entry in said register or list, or allow any other person to do so, excepting the same be permitted by law, and no other person shall make entries, or mark whatever therein, excepting inspectors of election, as provided by this act, or, as may be provided by the statutes of the United States. The registers and the election list of electors in the office of the city clerk shall at all times be open to public inspection without charge. In case the "register of election" for any district shall be lost or destroyed, or so mutilated that the same cannot be used, the common council of said city may direct the board of registration of the proper district to make a new general registration of the electors in such district at their sessions held as provided herein, prior to any election. Any such new registration shall be made in the manner provided in this act for a general registration of electors, and all provisions of law in relation to receiving applications for registration, and the registration of applicants, shall be held applicable to and govern the registration provided by this section to be made, and an "election list" of electors shall be made by the registrars, in like manner as they are directed to be made in the case of general registration.

Entries to be made in ink.

(§ 19) Sec. 15. At the opening of the session of the board in intermediate years, there shall be delivered to the district boards respectively the "register of elections" and the "election list" of electors for the year, by the officers having custody thereof, and the city clerk shall procure and furnish all the necessary blanks, and he shall also keep on hand in his office blank affidavits and

Registers and the election lists to be furnished Board at the opening of its session.

certificates required or provided by this act to be made. He shall also procure and furnish all necessary books, stationery, blanks, seals, pencils or stamps required by this act for the use of inspectors of election or electors in preparing their ballots. All books, blanks, printing, stationery, and so forth, required by this act to be furnished by the city clerk, shall be procured by him at the expense of said city, and the bills or claims theretor shall be audited and allowed by the common council.

Notice.

(§ 20) Sec. 16. At least seven days previous to the commencement of any session of the district board of registration, the city clerk, at the expense of the city, shall cause a notice thereof to be printed and published in not to exceed two daily newspapers in said city, designating the places of holding the same, which notice shall be published not more than three times in each of said newspapers, and shall also contain a true copy of section one of article seven of the constitution relative to the qualification of electors.

City Clerk to deliver copy of register.

(§ 21) Sec. 17. It shall be the duty of the city clerk, on the demand of any qualified elector of said city, on payment or tender of his legal fees, to make out, certify, and at his office deliver to such elector a true copy of the contents of any register of electors of any district of said city, for which he shall be entitled to receive compensation at the rate of twenty-five cents for every one hundred names.

Compensation.

(§ 22) Sec. 18. Each member of a district board of registration, while acting under this act, shall be entitled to receive four dollars a day for every day he shall actually serve in performing his duties, to be paid by the city, and he shall not be entitled

to receive for such services any other sum whatever. The two members of the district board of registration who were appointed by the common council, as provided by an amendment to this chapter, approved March fifth, eighteen hundred and ninety-five, together with a chairman to be designated by the common council, as now provided by law, shall constitute such district board of registration and complete the registration of electors at the registration to be held in the month of October respectively in the year eighteen hundred and ninety-five. The present registration books shall continue to be used and electors registered therein until the year eighteen hundred and ninety-six, when the form of register provided by this act, and the provisions of this act relative to registration therein shall be held to apply and govern. Until the form of register herein prescribed is used, it shall not be necessary to observe the requirements of subdivisions three, four, five, six, seven and nine of section eight. In all other respects, including the preparation and use of the election list of electors, the provisions of this act in respect to registration shall be held applicable to all future registration of electors in said city, but it shall not be necessary until the form of register herein prescribed is used to enter or copy from the register to the election list of electors any registry numbers: Provided, That in all new districts formed by the division of existing districts or otherwise, the form of register herein prescribed shall be used.

(§ 23) Sec. 19. Women who reside in the district, who, if they were males, would be qualified electors therein, may be registered at the registration immediately preceding the election held for the choosing of school inspectors, but they shall be registered in a separate register of the form herein prescribed, and all the

Women.

provisions of this act, so far as they may be relevant, shall apply to and govern such registration. The names of women who may be registered shall be entered on the list of electors for the district, but separated from the names of the male electors.

Registrars to meet for the purpose of acting upon applications for certificates and to register absentees.

(§ 24) Sec. 20. On Monday, the day preceding the November election, in every year, and on Saturday preceding the biennial spring election, the registrars at each and every election district shall meet at two o'clock in the afternoon at the polling place appointed for holding elections therein, and there remain in session until nine o'clock in the evening. Such meetings shall be held for the purpose of receiving and acting upon any application for either granting or receiving certificates of removal, and for the purpose of correcting any mistakes as herein provided for, and for the purpose of registering qualified voters who may have been absent from said city or sick on the days appointed for registration as hereinafter provided. No new names shall be placed on the register at such meeting excepting upon certificates of removal from some other districts, or of voters who may have been sick or absent, as hereinafter provided. If any material error or mistake in the description of any elector in said district has been discovered, he may appear at this meeting and on good cause being shown the registrars may then correct the same, but any change in the register which shall be allowed by the registrars at such meeting must be immediately noted by them in the register and also in the book containing the election list for the use of the inspectors of election, as above provided, and if not then there so noted shall be wholly null, and disregarded by the inspectors of election. At such meeting said board may register any qualified voter of such district upon the

personal application of such person, whom they may require to state in writing that he was necessarily and unavoidably absent from said city on all the days appointed or allowed by this act for the registration of electors immediately preceding said election, specifying the same and the business in which he was engaged, or that he was sick, and by reason thereof was unable to attend the sessions of the district board of electors of the district as aforesaid for the registration of electors, which statement shall be subscribed and sworn to by said applicant before one of said registrars, each of whom shall have authority to administer such oaths. Said registrar shall require such applicant to answer under oath all proper questions which it shall be their duty to put, touching his residence and other qualifications as an elector of the district in which he asked to be registered, and such other matters as are required to be entered in said register, and if satisfied that such applicant is a resident of such district, and that he is qualified to vote therein, but not otherwise, said registrars shall enter said applicant as registered in the register of said district and in the election list of electors. The registrars may at such meeting register upon certificates of removal any elector then resident of said district, in the same manner as herein provided for registration of like applicants on the days appointed for holding of the other sessions of said board. At such meeting held under the provisions of this sec tion, any elector may appear and challenge the vote of any person named in the register of such district, and the word "challenge" shall be immediately entered by the registrars opposite the name of such person in the list of electors, and if he shall offer to vote at any election, the inspectors of election shall at such time examine him under oath as to his qualification as

elector in such precinct, and they shall also make a like examination of any other persons named in said list and opposite whose name the word "challenge" is written, the same in all respects and with like effect as though they had been challenged at the election by a challenger thereof. On Monday in each year preceding the November election, and on the Saturday preceding the biennial spring election, and on the secular day next preceding any special election, the district registrars of election and the three inspectors of election for each district shall meet at the polling place, appointed for holding the election therein, at eight o'clock in the evening punctually, and then and there organize as a board of inspectors of election, and the members of said district board of registration and the three inspectors of election and their successors in office shall constitute the board of inspectors for such district. They shall at this meeting make all necessary arrangements for the proper accommodation of themselves and the clerks of election in receiving and calling ballots at the ensuing election, and for the witnesses and challengers designated as hereinafter provided to be admitted within the polling rooms, and at such meeting they shall appoint two clerks of election for the ensuing election.

Inspectors of election.

(§ 25) Sec. 21. There shall be elected in and for each election district of the City of Detroit, at the next November election following the time when this act shall take effect and annually hereafter, three qualified electors of such district, who, together with the three registrars of electors, shall constitute a board of inspectors of election for such election district. Such inspectors shall be elected by ballot, and upon being so elected they shall qualify by filing with the city clerk the constitutional oath of

office, and shall hold their said office for one year from the first day of January next after their election, and until their successors are elected and qualified, and any vacancy in their number caused by failure to elect by ballot, as hereinafter provided, or inability to act by removal, death or other cause, or by any refusal to serve of the person so elected, may be filled for the remainder of said term by the electors present, by viva voce vote, at the opening of the polls at any general or special election, and if any of the said inspectors be sick or absent his place may, in like manner, be filled for the time being upon the opening of the polls at any general or special election.

Inspectors, how elected.

(§ 26) Sec. 22. In all elections for inspectors to be elected as above provided, no elector shall vote for more than two candidates, and from the whole number of votes cast the three inspectors receiving the largest number shall be elected. Tie votes shall be determined as in case of election of other city officers.

Clerk.

(§27) Sec. 23. The board of inspectors shall, as above provided, appoint two clerks of election who shall take the same oath as the inspectors, which oath either of the inspectors may administer. The chairman of the board of registration shall also be chairman of the said board of inspectors. In all cases of filling of vacancy, or vacancies, by viva voce vote of the electors under this act, the chairman or any member of the board appointed by the board for that purpose, when the time for opening the polls has arrived, shall announce such opening of the polls, and that it was necessary to fill such vacancy, whereupon the qualified electors present may proceed to nominate and elect a suitable person or persons to fill such vacancy or vacancies, and the person or persons so chosen shall take the oath of office which

either of said inspectors or any person authorized to administer oaths, may administer, and he shall thereupon take his seat and act as a member of said board; the oath of office shall be subscribed by the person taking the same, and the officer administering the oath shall file it in the office of the city clerk after the close of the election. The inspectors so chosen as aforesaid, together with the registrars for the district, shall constitute the board of inspectors of election for such district.

Residence

(§ 28) Sec. 24. No person shall be permitted to vote unless he shall be a resident of the district and he shall have resided in this state six months next preceding the election, and in the ward twenty days next preceding the election, and shall possess the other qualifications specified in section one, article seven of the constitution of this state. And in determining the residence of a person offering to vote or to register, the following general rules, so far as may be applicable, shall govern:

First: The place shall be considered the residence of the person in which his habitation is fixed, and to which, whenever he is absent, he has the intention of returning.

Second: A person shall not be considered to have lost his residence who leaves his home and goes into another state or place for temporary purposes merely, with the intention of returning.

Third: A person shall not be considered to have gained a residence in any district into which he comes for temporary purposes merely, without the intention of making such district his home. If a person removes to another state with an intention of making it his permanent residence, he shall be considered to have lost his residence in this state.

Fourth: If a person removes to another state with an intention of remaining there an indefinite time, and as a place of present residence, he shall be considered to have lost his residence in this state, notwithstanding he may maintain an intention to return at some future period.

Fifth: If a person go into another state, and while there exercise the right of a citizen by voting, he shall be considered to have lost his residence in this state.

Sixth: A person must not be held to have gained or lost a residence by reason of his presence or absence from a place while employed in the service of the United States or of this state; nor while engaged in navigation, nor while a student in any institution of learning, nor while kept in an alms house, asylum or prison.

Seventh: The place where the family of a married man resides shall be considered and held to be the place of his residence, except where the wife and husband have separated and lived apart, then the place where they resided at the time of the separation shall be considered there to be his place of residence, unless he afterward, and during the time of such separation, remove from such place, in which case the ward in which he resides the length of time required by the provisions of this section to entitle a person to vote, shall be considered and held to be the ward of his place of residence.

Eighth: If the place where a man's family resides be a place of temporary establishment, or for transient objects, it shall not necessarily govern as to his place of residence.

Ninth: The mere intention to acquire a new residence, without the fact of removal, avails nothing; neither does the fact of removal without the intention.

Tenth: When a party takes his meals in one place and sleeps in another, the place where he habitually sleeps shall be his place of residence unless it appears that he takes his meals with his family or relatives, or at some place which he considers his home, and intends to consider as such, and in such case the place where he takes his meals shall be his place of residence.

Eleventh: The term of residence must be computed by including the day on which the person's residence commenced, and excluding the day of election.

Election Booths

(§ 29) Sec. 25. It shall be the duty of the common council of said city to select and secure suitable places for holding in each election district the session of the district board of registration of electors, and in like manner to select and secure places in the several election districts for holding elections. The common council may cause temporary structures suitable for the purpose to be constructed, and for that purpose may occupy temporarily portions of the highway as sites for such structures. Places for registration shall be selected before the time when the city clerk is required to publish notice of the places of which the several boards of registration will hold their sessions, and a like designation of the places for holding the election will be made before the time when the city clerk is required to publish notice of such election, and the city clerk in his notice of the sessions of said boards of registration, and in his notices of the holding the election, will designate the places so selected as the places of said sessions and holding the elections respectively. The expense of procuring said places or erecting temporary structures or booths for the purposes mentioned and of the necessary furniture, heating and lighting, may be paid from the general or contingent fund as the council may determine, or

from a fund specially raised for that purpose. No board of registration shall hold its sessions nor shall any election be held in any saloon or bar-room or in any place where wine, beer or any spirituous liquors are sold, or in any room or place connected therewith, nor shall any such place be selected or designated, and should any place be designated or appointed for holding a session of the board of registration or for holding an election in violation hereof, or become subject to such interdiction after having been so designated, it shall be the duty of the board of registration on or before the commencement of their session, and it shall be the duty of the inspectors of election on or before the day of such election, and before the opening of the polls on such day, to procure a suitable place as near thereto as may be not subject to like interdiction. The board of registration shall cause notices to be posted up in a conspicuous place at the place designated by the common council of such change, and shall thereupon proceed and hold their sessions at the place designated in such notice and procured by them as above provided. The inspectors of election shall meet at the place first designated, at the time for opening the polls, and after any vacancy in their number shall have been filled, adjourn to the place so chosen by them, and at the time of said adjournment give public notice to the electors present by proclamation of such change, and of the place where such election shall be held, and by posting at such place first designated a conspicuous notice of such change, and all expense attending such changes shall be certified by such registrars or inspectors of said city to the common council and shall be allowed and paid accordingly. And it shall be unlawful for any person to take any wine or beer or other spirituous or malt liquors or cause the same to be brought into any room or apartment at which sessions of any board of registration may be

held during the session thereof, or into any room or apartment used as a place for the marking, casting or receiving or for the counting of votes at any election, from the opening of the polls to and including the canvass of the votes and completion of the returns thereof, or to have, partake of, or drink in any such room or apartment during the session of such board of registration or during the holding of such election, and the canvass of votes as aforesaid, any spirituous or malt liquors whatever, or for any registrar, inspector or clerk of election, or any gatekeeper, challenger or witness appointed as provided by this act, to become drunk or intoxicated during the sessions of said board of registration or during any of the time of the holding of said elections and canvass of votes as aforesaid; any person violating the provisions of this section shall be deemed guilty of a misdemeanor.

Notice.

(§ 30) Sec. 26. It shall be the duty of the city clerk, at least seven days before any election, to give notice thereof in not to exceed two daily newspapers published in said city, which notice shall be published not more than three times in each of said newspapers. The notice shall specify the officers to be chosen, the day on which the election is to be held, the time for opening the polls, and the place in each election district where the election is to be held.

Election Commissioners

(§ 31) Sec. 27. The city clerk, corporation counsel and city treasurer shall constitute a board of election commissioners for said city, two of whom shall constitute a quorum, and they shall choose their own chairman and secretary, and shall severally receive as a compensation for their services at each election fifty dollars and no more. It shall be the duty of said board to prepare and cause to be printed, ballots for election of all city officers

for whom the electors are entitled to vote, and for all proposed questions to be submitted by the common counsel as provided by this act, or any other act or acts, to the electors of said city. The candidates whose names shall be printed on said ballots shall be ascertained and determined, and be certified to the board of election commissioners as hereinafter provided .

Ballots.

(§ 32) Sec. 28. Every ballot must be printed on paper uniform in size, color, weight, texture and appearance, and shall not have any mark or thing on the back, edge or outside thereof, except as provided by this act, whereby it might be distinguished from any other ballot, or so that it can be ascertained by what person or what class of persons they were used or voted, and they shall not contain any mark ,color or device on the face of the ballot by which one ballot may be distinguished from another when folded.

Ballots shall be printed substantially in the form and as prescribed by the general election laws of this state for the election of state and county officers, excepting that the instructions printed on the ballot shall be as follows: "Instructions: Mark a cross [X] in the square under the name of your party at the head of the ballot. If you desire to vote a straight ticket nothing further need to be done, if you do not desire to vote for any candidate under the name of your party erase the name of such candidate. If you desire to vote for a candidate on a different ticket make a cross in the square before the name of the candidate you desire to vote for or write his name in the space under the name erased. A ticket marked with a cross under the party name will be deemed a vote for each of the candidates named in such party column, unless you erase the name of some candidate in that column or mark a cross before the name of a candidate in some

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other column. If the name of a candidate in some other column is marked with a cross it will be deemed a vote for such candidate. Before leaving the booth fold the ballot so that the initials of the inspector may be seen on the outside." At the top of the ballot for city, ward or district officers, should be printed the words "city ticket," followed by the number of the ward and district in pica type. It shall be the duty and the privilege of the respective city committees of the different political organizations to furnish the election commissioners the names of the candidates of their political organization to be voted for at the then next election, and to designate the name of the party or political organization which they represent, and such names shall be furnished and name designated not less than seven days before such election. The names so furnished should be those of all candidates nominated at any regular called convention or caucus at which candidates for any of the offices required to be selected shall be nominated, and no other names unless authorized or instructed by said convention or caucus. All the names of parties so nominated shall be certified to by the chairman and secretary of the respective city committees of their political organization. No vignette shall be furnished or printed on any ballot. The printed copy of the ballot shall be open to the inspection of and correction by the chairman of each committee furnishing the names of candidates and of and by any candidate known thereon, and it shall be the duty of the election commissioners to correct such errors which may be found therein by such inspectors. The election commissioners shall cause the names of all candidates for the various offices provided by this act, to be voted for at any election and certified as provided herein, to be printed on one ballot; all nominations of any party to be placed under the title or heading designated by the city

committee as aforesaid; they shall also cause any proposition or other question to be submitted to the electors of said city for popular vote, to be printed on the ballot as above provided. In case of the death, removal or withdrawal of any candidate, after the printing of such ballots and before the day of election, the chairman of the city committee of the political party to which such candidate belongs shall transmit to the election commissioners the name of the persons so selected by such party to fill such vacancy, and said commissioners shall provide the election board of each district in which such candidate is to be voted for with a number of pasters containing only the name of such new candidate, at least equal to the number of ballots provided for such district, but no paster shall be given to or received by any one except such election board, and it shall be the duty of the board of inspectors of election to put one of such pasters in a careful and proper manner in the proper place on each ballot before it shall be given to any elector for the purpose of voting. If the death, removal or withdrawal shall occur before the printing of the ballot, the necessary change in such ballot shall be made by the commissioners, having been communicated by the proper committee of the political organizations to which such candidates belong. The use of slips or pasters, excepting as provided by this section, is forbidden, and any ballot containing such slips or pasters, excepting as herein provided, shall be rejected.

Proposition how submitted.

(§ 33) Sec. 29. When any proposition is to be submitted to the electors in said city by the common council, or by any provisions of law, it shall be printed upon the ballots immediately following the names of candidates for office; the proposition shall be stated and followed by the word "Yes," opposite which will be

placed a square similar to those opposite the names of candidates for offices, and then repeated followed by the word "No" and a similar square, and any voter desiring to vote affirmatively or negatively may put a cross in one of the said squares, and the ballot shall be counted affirmatively or negatively, according to the place in which the elector shall make such cross.

Punishment for using illegal ballots.

(§ 34) Sec. 30. It shall be unlawful for any person to print, issue, or distribute or circulate in said City of Detroit, or to request or cause any other person to print, issue or circulate, or request any elector to vote any ballot, or to vote any ballot, excepting such ballots for the election of city officers as shall have been printed under the authority of this act, or any counterfeit or imitation of such ballots, and intended or adapted to mislead or deceive, and any person so offending shall on condition thereof be punished by a fine, not exceeding one thousand dollars or less than one hundred dollars, and by imprisonment in the Detroit House of Correction not more than one year or less than thirty days, or by both fine and imprisonment.

Ballots to be delivered to Board of Election Commissioners.

(§ 35) Sec. 31. It shall not be lawful for the printer of such ballots, or any other person, to give or deliver to, or knowingly permit to be taken any of said ballots by any person or persons other than the board of election commissioners, or to print or cause to be printed any ballot in any other form than the one prescribed by this act, or with any other name thereon, or with the name misspelled, or the names thereon arranged in any other way than that authorized and directed by the said election commissioners, and a violation of this section shall be deemed a misdemeanor and be punished accordingly.

Enough ballots to be supplied.

(§ 36) Sec. 32. It shall be the duty of the said election commissioners to provide a sufficient number of ballots, at least two

to each elector of any district, according to the vote of the last preceding general election; there shall be provided and delivered to the board of election inspectors of each voting district such number of bottles of ink and pens and of German blue pencils for marking ballots and writing names thereon as may be necessary. The expense of printing ballots shall be certified by the commissioners and paid from the same fund as other election expenses. The necessary number of ballots shall be wrapped and tied in packages and securely sealed with wax, and the chairman of the board of election commissioners, or some other member thereof authorized by the board, shall make and sign a certificate setting forth the number of ballots in such package, and that such ballots were packed and sealed by himself personally, which certificate shall be securely attached to the pack age, and for the safe sealing of such ballots the commissioners shall provide themselves with a seal of such design as they may deem proper. Said packages shall not be opened until delivered to the board of inspectors of the proper district which shall be designated on the package, when said board shall be fully organized and ready for the reception of votes as herein provided.

(§ 37) Sec. 33. It shall be the duty of the superintendent of police to see that the ballot boxes belonging to the city are kept in good and suitable condition, and prior to every election he shall see that the proper boxes are ready for use, and on the day before election shall apply to the election commissioners for the ballots printed as provided by this act, and to the board of election commissioners of the county for the ballots prepared by them, for use in said city, and it shall be the duty of said boards respectively to deliver the same to him, and he shall receipt therefor. He shall also receive from the city clerk all necessary

Superintendent of Police to keep ballot boxes, etc.

stationery, seals, blanks, "register of electors" poll books and "election list of electors," and by safe and trusty messengers deliver the same to the respective boards of inspectors of election at the polls at which they are intended to be used. Said superintendent shall in like manner procure the necessary books, blanks and stationery and deliver the same to the respective boards of registration at their several sessions, and at the close of the session of said registration board and of the sessions of the board of inspectors shall receive all such books and blanks, ballot-boxes and ballots, and any other articles which may not have been used or required, and deliver the same to the proper custodian. The said superintendent shall take a receipt from the chairman of the board of inspectors for the number of ballots delivered to the board as indicated in the certificate of the commissioners thereto attached, and upon receiving the unused ballots from the inspector shall carefully count and receipt for the number thereof delivered to him by said board, marking on the package, which shall be securely sealed, the number so receipted for, and after the receipts shall have been made and signed the package of unused ballots shall be delivered to the superintendent of police, who shall destroy the same after having made an entry in a book kept by him for the purpose of the number of ballots so returned.

Common Council to provide regulation booths.

(§ 38) Sec. 34. The common council shall provide for and cause to be erected in the room where the election is to be held, a railing or fence four feet in height, which railing or fence shall extend through and across the room and shall cause a gate to be erected in said railing. The gate shall be in charge of a gatekeeper appointed at the opening of the polls by the board of election inspectors, and duly sworn to allow no person to pass

through said gate and enter said railing, except to vote or by direction of the said board of inspectors, and no other persons excepting such as the inspectors are required to admit within the inclosure where they may sit, shall be allowed to the inside of railing except to vote or to assist an elector in the preparation of his ballot as hereinafter provided, and by direction of said inspectors, and as soon as an elector has voted he shall retire without and shall not again be admitted within the railing, and only as many electors as there are booths shall be allowed within the railing at one and the same time, and the electors shall be admitted in the order in which they shall apply. Inside of the railing a booth or temporary room shall be erected, and at least one such booth shall be provided in each polling place for each one hundred persons entitled to vote thereat, as shown by the last preceding registration of electors; such booth or temporary room shall be built with walls not less than six feet high and in such a manner that the person preparing the ballot shall be concealed from all other persons. The passage way to and from the booths shall be separated from the place in which the inspectors may sit by a railing of three feet or more in height, to which, when the elector offers his vote, he shall approach and over the same deliver his vote to the inspector authorized to receive the same. No person shall be permitted within the inclosure within which the inspectors shall sit unless by special order of the board of inspectors, excepting such persons as the board are herein directed to admit within the inclosure.

(§ 39) Sec. 35. The polls of the election shall be open at seven o'clock local time in the forenoon and shall be continued open until eight o'clock local time upon the evening of the same day, and no longer, nor shall any adjournment or recess be taken

Opening of polls.

from the opening of the polls until the canvass shall have been completed and the returns made and signed, and delivered to the proper inspectors as hereinafter provided. At every election the city committee of any party may by the certificate of its chairman and secretary, in writing, signed by them, designate not more than one elector of said city as witness, and one other elector as challenger, to attend at the election in behalf of such party and its candidates whose names are printed on the ticket at each election district, and it shall be the duty of the inspectors of election in every election district to admit the witnesses and challengers so accredited in the enclosure with themselves and the clerks at such election and place them so near to themselves and the clerks that they can fully and conveniently watch every proceeding of the inspectors and clerks from the time of opening the polls until the counting, certifying and signing of the final returns of the election. Before the opening of the polls the ballot boxes shall be opened, if requested by either of them, so that the inside and the locks and keys may be inspected by them. No ballot box nor any ballot when taken from it for counting shall be removed or screened from the constant sight of such witnesses or challengers until the counting has been closed and the certificates of the final return completed and signed by the inspectors, and the ballot boxes locked and sealed. The challengers so designated shall be so placed that they can fully see and meet every person offering a ballot to the inspectors or either of them. (As amended by act approved April sixteen, nineteen hundred and three.)

Opening of packages of ballots.

(§ 40) Sec. 36. At the opening of the polls after the organization of and in the presence of the board of inspectors, one of the inspectors shall open the package of ballots in such manner

as to preserve the seal intact, and if possible the certificate attached thereto; he shall then deliver to one of the inspectors, to be designated by the board, fifty of the ballots, and shall place at least two German blue pencils for marking the ballots in each of the booths. The inspector so designated shall at once proceed to write his initials in ink on the upper left-hand corner of the back of each of said ballots in his ordinary handwriting, and without any distinguishing mark of any kind. As each successive elector calls for a ballot, another one of the inspectors shall deliver to him the first signed of the fifty ballots, and as the supply of ballots in the hands of the inspector shall decrease, additional ballots shall be signed by the same inspector, so that at least twenty-five ballots so signed shall be at all times in the hands of the inspector delivering the ballot to the elector.

How ballots shall be deposited

(§ 41) Sec. 37. No ballot shall be deposited in the ballot box until the name of the elector offering it and his residence shall first have been stated by him and announced aloud by the inspector holding the ballot, nor until the name shall have been found on the election list of electors and so announced by the inspector holding such list. Every ballot must be put into the ballot box by the inspector who receives it from the elector, and the ballot be so held forth by the inspector that it shall be in full view of the elector until actually put into the box, and immediately upon depositing the ballot in the ballot box, the inspector or clerk having charge of the election list of electors shall check off the name of such elector in such list by marking the word "voted" in the proper column and in the line with the elector's name, and the name of such elector entered on the poll list.

Challenges.

(§ 42) Sec. 38. Any registered elector when offering to vote may nevertheless be challenged by any elector or challenger as a

non-resident, or for any other causes allowed by law, and he shall be sworn, and the same proceeding thereupon had as in other cases of challenge; and whenever it appears that the word "challenge" is written opposite the name of any elector in the election list of electors, it shall be the duty of the inspector to challenge such elector and cause him to be sworn the same as though he had been challenged by any elector present. In all cases of challenge, the inspector holding the election list of electors as aforesaid shall note the word "sworn" opposite the name of the person challenged whether the person offering to vote shall be permitted to vote or not. The register of electors may be referred to in all cases of disagreement and doubt on any question during the election, and such register when relevant shall be conclusive.

Duty of Inspector to challenge.

(§ 43) Sec. 39. It shall be the duty of each inspector to challenge every person offering a ballot whom he shall know or suspect to be disqualified as an elector; when an elector shall not be challenged or shall have taken the necessary oath or affirmation, he shall be permitted to vote, but not otherwise. If any person offering to vote shall be challenged as unqualified by any inspector, challenger, or elector entitled to vote at that poll, the chairman of the board of inspectors shall declare to the person challenged the constitutional qualifications of an elector, and if such person shall state that he is a qualified elector and the challenge is not withdrawn, one of the inspectors shall tender to him such one of the following oaths as he may claim to contain the grounds of his qualifications to vote:

Oath.

"You do solemnly swear (or affirm) that you are twenty-one years of age, that you are a citizen of the United States, that you are now a resident of this election district, and that you

have resided in this state six months next preceding this day, and in this ward twenty days next preceding this day, and that you have not voted at this election." Or, "You do solemnly swear (or affirm) that you are twenty-one years of age, that you resided in this state on the twenty-fourth day of June, eighteen hundred and thirty-five, that you have resided in this state six months next preceding this day, and in this ward twenty days next preceding this day, and now reside in this election district, and that you have not voted at this election;" or, "You do solemnly swear (or affirm) that you are twenty-one years of age, and that you resided in this state on the first day of January, eighteen hundred and fifty, that you have resided in this state six months next preceding this day, and in this ward twenty days next preceding this day, and are now a resident of this election district, and that you have not voted at this election;" or, "You do solemnly swear (or affirm) that you are twenty-one years of age, that you resided in this state two years and six months prior to the eighth day of November, one thousand eight hundred and ninety-four, that you declared your intention to become a citizen of the United States two years and six months prior to the eighth day of November, one thousand eight hundred and ninety-four, pursuant to the laws thereof, that you have resided in this state six months next preceding this day, and in this ward twenty days preceding this day, that you are now a resident of this election district, and that you have not voted at this election;" or "you do solemnly swear (or affirm) that you are twenty-one years of age, and that you are a native of the United States, that you are a civilized inhabitant of Indian descent and not a member of any tribe, that you have resided in this state six months next preceding this day, and in this ward twenty days next preceding this day, that you are

now a resident of this election district, and that you have not voted at this election." If the person so challenged shall take such oath his vote shall be received, but if he shall swear falsely, upon conviction thereof, he shall be liable to the pains and penalties of perjury.

Method of voting.

(§ 44) Sec. 40. On entering the room the inspector holding the ballots shall deliver to any elector applying to vote one of them, and on request shall give an explanation of the manner of voting. If deemed necessary by the board an interpreter may be called. The elector shall then and without leaving the room go alone into a booth which is unoccupied and indicate the candidates for whom he desires to vote as follows: Any elector may mark a cross in the space below the party name printed at the head of the ballot. If marked thus, such ballot shall be counted for all the nominees of such party whose names appear on the ballot in that column unless the voters shall have erased some name in the column or marked a cross before the name of a candidate for the same office in some other column, or written in the name under the name of any candidate in the column of which the elector may have made a mark in the space below the party named. If the voter shall erase some name in the column, the votes shall not be counted for the person whose name is so erased. If he shall have marked a cross before the name of a candidate in some other column, the votes shall be counted for such candidate. If the voter shall have written in the name under the name of any candidate in a column at the head of which he shall have made a mark or cross, the name of the person so written shall be deemed to have been voted for by such ballot unless the voter shall have also marked before the name of some other candidate for the same office, a cross, in which

case the ballot shall be rejected for such office as being a double ballot. If a ballot is found in any ballot box containing the same name of the person and the office for which he is designated or either of them, two or more times, and shall contain a cross opposite such names or name, it must not for that reason be rejected, but shall be counted as one vote, provided that the election commissioners shall not place on any ballot the name of any person for the same office more than once, notwithstanding he may appear as certified by more than one committee, and as provided by law. Votes cast for two or more persons for the same office, except in cases provided by law, shall be rejected. When it shall be lawful to vote for two or more persons for the same office, the name of the office shall be printed in the first column, and opposite to it, in the appropriate column, the names of all candidates of such party for such office, the names following each other being placed opposite to other names of other parties in the other columns, and if a voter shall place a cross opposite the name of either of said candidates, it shall be considered that he has erased the name of the candidate for such office upon his ticket which is printed immediately opposite the name so marked unless he shall also erase some name upon his ticket for the same office, but it shall be unlawful to vote for more persons than there are officers to be voted for at such election and all votes cast for more persons than there are offices to be filled shall be rejected.

Distinguishing marks.

(§ 45) Sec. 41. When a ballot found in any ballot box bears any impression, device, color or thing on its face or outside thereof excepting as provided by this act designed to distinguish such ballots from other legal ballots, it must with all its contents be rejected, and any ballot bearing any impression, device, color or

thing upon its face or so marked upon the edges that when folded and delivered to the inspectors it may be distinguished from other ballots, or so as to designate or impart knowledge of the person who voted such ballot, it must with all its contents be rejected. Whenever the board of inspectors rejects a ballot, it must at the time of such rejection cause to be made thereon, signed by a majority of the board, an endorsement of such rejection and of the causes thereof.

Construction of ballot boxes.

(§ 46) Sec. 42. The ballot box shall be provided with double covers, one inside the other, hinged, and each with a lock and key, and when locked one of the keys shall, during the time of the election be held by one of the inspectors, and one key by another of the inspectors. Said covers shall have openings of the proper size to admit a single closed ballot, and therein each ballot received shall be inserted. At the opening of the polls the ballot boxes shall be opened and turned upside down so as to empty them of anything that may be in them, and it shall be the duty of the inspectors to offer to such persons as may be present the privilege of examining the same in their presence. They shall then be locked, and the boxes shall not again be opened until the counting of the ballots begins; one of the clerks shall keep a poll list which shall contain the names of all electors whose ballots were received at such election, and opposite each name shall enter the number of such elector consecutively in the order which the electors vote. For the election at which school inspectors shall be chosen, additional boxes shall be provided for the ballots cast by registered women electors. Women electors may be challenged, and before their votes are received shall be required to take an oath or affirmation the same as male electors. In making the returns of such election, a separate return

shall be made of the votes cast by women, but the aggregate vote returned shall include the votes of all women electors, but no ballot shall be received from any woman unless she shall have registered, and would be a qualified elector in the district if she were a male elector, but if so registered and qualified, women residing in the district shall be entitled to vote for school inspectors.

Exhibiting ballots, or carrying ballots away.

(§ 47) Sec. 43. If any elector shall show his ballot or any part thereof to any person (other than one lawfully assisting him in the preparation thereof) after the same shall have been marked, so as to disclose the name of any candidates marked by him, such ballot shall not be received or deposited in the ballot box. In case such elector shall so expose his ballot, his name shall be entered on the poll list with a minute of such occurrence, and such elector shall not be allowed to vote thereafter at said election. The elector shall then leave the room, but no elector to whom a ballot has been delivered shall be permitted to leave the room without voting the ballot or returning it to the inspector from whom he received it. Any elector who shall attempt to leave the room with a ballot, or with any book, pencil, stationery or other paraphernalia of the election in his possession, shall be at once arrested on demand of any member of the board of inspectors if he shall refuse to deliver the same upon request.

Inspectors shall distribute ballots, and assist ignorant voters.

(§ 48) Sec. 44. No ballot shall be distributed by any person other than one of the inspectors of election, nor in any place except within the railing of the voting room to electors about to vote, and no ballot which has not the initials of a member of the board of election inspectors written by such inspector on the back thereof shall be placed in the ballot box. When any elector shall make oath that he cannot read English, or that because of

physical disability he cannot mark his ballot, or when such disability shall be made manifest to said inspectors, his ballot shall be marked for him by an inspector designated by the board for that purpose, who is not a candidate on that ticket, in the presence of at least one other inspector, and in the presence of the witnesses, or such of them as may be present, appointed by the chairmen of the different political parties as herein provided. Any inspector or person who shall mark a ballot for any elector, excepting as provided by this act, and in the presence of one other inspector and said witnesses, shall be deemed guilty of a misdemeanor, and shall be punished accordingly, provided the imprisonment shall not exceed thirty days nor the fine exceed two hundred dollars, and the fine and imprisonment may both be imposed. A suitable place shall be provided for the marking of ballots by an inspector for electors unable to mark the same as herein provided, inside the railing at which the elector, the inspectors and the witnesses may be accommodated so that all of such persons may be present and witness such marking.

Spoiled ballots.

(§ 49) Sec. 45. If any elector inadvertently spoils a ballot, he may obtain another from the board by returning such spoiled ballot to the board, who shall preserve the same for return with the other unused ballots. It shall be unlawful for the board of inspectors, or any of them, or any person in the polling room or any compartment therewith connected to persuade or to endeavor to persuade any person to vote for or against any particular candidate or party ticket.

Inspectors to keep an account of all ballots.

(§ 50) Sec. 46. The board of inspectors of election shall preserve the unused ballots, together with the ballots which have been spoiled, and shall deliver the same to the superintendent of

police, or to his duly authorized messenger, taking his receipt therefor as above provided. A statement of the number of ballots used shall be enclosed with the ballots returned. Two ballot boxes shall be provided other than those provided for women voters, one for the reception of votes cast prior to two o'clock and one for votes cast after that hour. At two o'clock the clerk having charge of the poll list shall draw a line under the last name entered in the list, and shall write thereunder the words "two o'clock count commenced," which shall be signed by the chairman of the board and attested by such clerk. The number of votes shown by the poll list up to the hour of two o'clock shall be counted and compared with the number checked off in the election list of electors up to that time, and the number of voters having been ascertained and agreed upon, the result shall be certified in the poll book, in which proper blanks shall be printed for that purpose. The box then containing the ballots cast up to the hour of two o'clock shall then be opened, and before opening any ballot or ascertaining its contents, the number of ballots shall first be counted. If the number of ballots exceed the number of names on the poll books certified as aforesaid, the ballots shall then be replaced in the box, and one of the inspectors, with his back to the box, and without seeing it, shall draw out, without showing them, a number of ballots equal to the excess, and if during the counting of the ballots, or at the conclusion of the counting, an excess of ballots be discovered, all the ballots shall then be returned to the box, and after being thoroughly mingled, the excess shall, in the manner directed above, be drawn out and the count corrected accordingly. In all cases where ballots have been drawn out, a minute of the number so drawn shall then be returned with the unused ballots to the superintendent of police, and by him destroyed. If two or more separate

ballots are found so folded together as to present the appearance of a single ballot, they must be laid aside until the count of the ballots is completed; then, if upon comparison of the count, the number and names of electors on the poll book, it appears that the two ballots thus folded together were cast by one elector, they must both be rejected and returned with other unused ballots. The ballots and poll list agreeing, or being made to agree, in this way, the board shall proceed to count the vote in the following manner: If a proposition shall have been submitted to the vote of the electors at that election, all the ballots shall be first separated into three piles, the first pile containing all the ballots in favor of such proposition, the second pile containing all the ballots against such proposition, and the third pile containing all the ballots not mentioning such proposition, or being neither for nor against such proposition. At least three of the inspectors shall then examine each pile, and see that the separation has been properly made, then the first pile of ballots shall be carefully counted and the result announced to the clerks, who shall tally the same, and so the second pile shall be counted, announced and tallied, and likewise the third pile necessary, whereupon the clerk shall announce to the inspectors the number of votes for and the number of votes against such proposition. The ballots for and against any proposition to be made shall always be canvassed, counted and tallied before the names of candidates for any office are canvassed, counted or tallied, and it shall be the legal duty of the inspectors and clerks of election to make a true count and correct return of all votes upon any such proposition, and any wilful failure or neglect of any inspector or clerk to do so shall be a misdemeanor, and punished accordingly. After completing the counting and tallying of the votes on any such proposition, those ballots which contain names which are

marked alike, and commonly known as straight tickets, shall be placed together so that the several kinds shall be in separate piles or on separate files. At least two of the inspectors shall each examine the separate piles which are, or are supposed to be alike, and exclude from such piles any which have a name erased or in any manner shall be different from the others of such pile. One of said inspectors shall then take one pile of the kind of ballots which are marked alike, and count them in such subdivisions thereof as may be convenient for a prompt and careful determination of the result of such election, carefully examining each name and each of said ballots. Such inspector shall then pass the ballots aforesaid to another inspector, who shall then count them in the same manner and who shall then pass them to a third inspector, who shall also count them in the same manner. The third inspector shall then call the names of the persons marked or voted for by such ballots, and the offices for which they are designated, and the clerk shall tally the number of votes counted, and so called for each of such persons. When the said inspectors shall have gone through one of such piles of ballots known as straight tickets, and the clerk shall have tallied all the votes for each of such persons, they shall then take up the next pile of ballots containing the names which are marked alike, and shall count them in the same way, and shall call the names of the persons named in said ballots, and the offices for which they are designated, and the tally clerk shall tally the votes for each of said persons in the same manner as in the first instance. When the counting of each pile of ballots, which contain names which are marked alike, shall be completed, the clerks shall compare their tallies together, and ascertain the total number of ballots of that kind so canvassed, and when they agree upon the number, one of them shall announce such number

in a loud voice to the inspectors. The said inspectors having completed the canvass of the "straight tickets" shall then canvass the other kind of ballots which do not correspond, and those containing the names which are marked partly in one column and partly in another, usually called split tickets, and those from which the name of the person proper to be voted for on such ballot has been omitted or erased, usually called scratch tickets, said ballots shall be canvassed in such subdivisions as the inspectors may agree upon, and when all the ballots shall have been canvassed in this manner, and the tally clerks have made tally of the same, the clerks shall compare their tallies together, and ascertain the total number of votes received by each candidate, and when they agree upon the number one of them shall announce in a loud voice to the inspectors the number of votes received by each candidate on each of the kind of ballot containing his name, the number received by him on the split and scratch tickets and the total number of votes received by him. Each batch or subdivision of ballots agreed upon by the inspectors to be counted shall, as soon as counted, read and tallied, be strung upon a strong string or twine, or have rubber bands placed around them and each batch shall be thus disposed of before the commencement of the count of the next lot or batch. At the completion of the canvass made in this manner of the votes cast up to the hour of two o'clock, the ballots shall then be placed in the same box, together with the tally sheets, and the two covers securely locked, each of the keys being held by different inspectors, and the same shall remain securely locked until the completion of the canvass of the remainder of the votes cast at such election.

(§ 51) Sec. 47. As soon as the polls at said election shall have been finally closed the inspectors of election shall immediately, and at the place of the poll proceed to canvass the remainder of the votes cast and remaining uncounted. Such canvass shall not be adjourned or postponed until it shall have been fully completed, nor until the several statements hereinafter required to be made by the inspectors and clerks shall have been made out and signed by them. The said canvass of the ballots cast after two o'clock shall be made in the same manner as the canvass of the ballots cast before that hour as hereinbefore provided, the number of voters according to poll list and election list of electors having been ascertained, after careful comparison of the same, and counting the number therein entered. After such canvass shall have been completed and the number of votes received by each candidate shall have been announced, then the ballot box containing the votes canvassed at the two o'clock count shall be opened and the tally sheets of that count taken therefrom, and the number of votes for each candidate shown by said tally sheets at the two o'clock count and the tally sheets of the counts made of votes received after two o'clock shall be added together by the tally clerk, and the tally clerks having compared their tallies together, and ascertained the total number of votes received by each candidate, at said election poll, when they have agreed upon the number, shall announce to the inspectors the total number of votes received by each candidate, and proclamation shall thereupon be made in a loud voice and repeated by one of said inspectors, of the total number of votes received by each of the persons voted for in said district for the office for which he is designated and the number of votes for and the number of votes against any proposition which shall have been submitted to a vote of the people. Such proclamation shall be prima facie evidence of the result of the canvass of such votes. Canvass.

Inspectors shall preserve ballots.

(§ 52) Sec. 48. The inspectors shall preserve all of the ballots rejected by them, either because they are defective or for any other reason, and shall attach the same together with a string or twine or rubber band with the statement thereto annexed that they are defective or rejected ballots which have been rejected by them, which statement shall be signed by the inspectors the same as the defective or rejected ballots deposited in the box with the other ballots and the canvass being completed and the result ascertained, the number of votes for each person and for the office for which he is designated and the number of votes for and against any proposition submitted to vote at that election, shall be set down in the poll book upon proper blanks inserted therein under the inspection of the inspectors and certified and signed by them and attested by the clerks. In all certificates, the number of votes shall be fully written out in words, also in figures.

Returns and custody of Ballot boxes.

(§ 53) Sec. 49. The counting of the votes having been completed, the ballots returned to the boxes as aforesaid, and said certificate entered in the poll book, the inspectors shall then immediately proceed to make and certify full and true returns of the result of such election under their hands; one return shall be made of all the votes cast for each city office, including those elected to represent wards and districts, and one return shall be made of the votes cast for all other offices voted for at said election, and a like return shall be made of all votes cast for and against any proposition which shall have been submitted to the electors of such election; duplicates of each of said returns shall be made and certified in like manner. One copy of such return of the votes cast for city offices shall be placed in an envelope, carefully sealed, and the names of all the inspectors written across

the back of the envelope in such manner that the same cannot be opened without breaking such seal and otherwise defacing such envelope and signatures. Such envelope shall also have the names or number of the election district thereon, and shall be directed to the board of city canvassers in care of the county clerk of Wayne county, and the other copy of such returns of votes cast for city offices shall be placed in a like envelope and marked, sealed and endorsed in like manner and directed to the city clerk, and one copy of such returns of the votes cast for state and county offices, or other offices than city offices, and one copy of the returns of votes cast upon any proposition submitted at such election shall be placed in a like envelope, sealed, marked and endorsed in like manner, and shall be directed to the board of county canvassers in care of the city clerk, and the other copy of such returns for votes cast for other than city offices, and of votes cast upon any proposition submitted at such election shall be placed in another envelope sealed, marked and endorsed in like manner and directed to the county clerk of Wayne county; provided, that if a proposition shall be submitted relating to the city alone, or by order of the common council, a return of the votes cast thereon shall be enclosed in the envelope directed to the board of city canvassers, and a copy thereof enclosed in the envel ope with the returns of votes for city officers shall be placed in the envelope returned to the city clerk. The envelope directed to the city clerk shall contain a further endorsement indicating whether the return in the respective envelopes are cast for city or for offices other than city offices, naming them, or upon any proposition submitted. The returns directed to the board of city canvassers and to the board of county canvassers, respectively, shall be delivered to them respectively by the county clerk and city clerk; the other returns directed to the city clerk and county

clerk shall be filed by them in their respective offices as part of the records thereof. All of said returns having been signed and enveloped as aforesaid, the inspectors shall cause the tally sheets to be placed in the boxes, the tally sheet of the two o'clock count being placed in the box containing the votes cast up to that time, and the tally sheets of the votes cast after that time being placed in the other box. They shall securely lock each of said boxes and a covering of leather or canvass, fastened with sealing wax and stamped with an official election seal, shall be placed over the hole in the lid or cover, and the key-hole to said box so as to completely cover both said holes, in such a manner that the same cannot be opened, nor the holes in the cover or the key hole be uncovered without breaking the seal. The envelopes directed to the city clerk containing copies of the election returns as aforesaid shall then, together with the keys to the ballot boxes and the election seal, be taken by any two members of the board designated for that purpose directly from such polling place to the office of the city clerk, who shall keep his office open until the returns from all election districts shall have been received, and there delivered by said inspectors to said clerk or one of his deputies, who shall observe whether such envelopes have been tampered with, and shall endorse thereon, over his official signature, the names of the inspectors from whom he received said return, and the time he received the same, and whether the same is in apparent good order, and shall thereupon deposit the same in a safe and secure place in his office; the keys and election seal shall be placed in the proper receptacle until needed, but the returns directed to the board of city canvassers shall not be opened until the meeting of said board, when they shall be delivered to said board by the county clerk. The envelopes to the county clerk and to the board of county canvassers shall be de-

livered to other inspectors designated for such purpose, who shall proceed directly, but not in company with the inspectors bearing the returns to the city clerk, to the office of the county clerk, who shall keep his office open until the returns from all the election districts shall have been received, and deliver said envelopes to him or to one of his deputies, and said clerk or his deputy shall observe whether the said envelopes so delivered have been tampered with, and on receiving said envelope shall endorse thereon over his official signature, the name of the inspectors from whom they received such returns, and the time of receiving the same, and that the same are apparently in good order, and he shall thereupon deposit the same in a safe and secure place in the office of the county clerk, but the return directed to the board of county canvassers shall remain unopened until the meeting of the board of county canvassers, when the same shall be delivered to said board by the city clerk. Any one or more electors present at the voting place shall have the right to accompany the inspectors designated to so deliver such returns from the polling place to the offices respectively of the city and county clerks, and should said inspectors, or either of them, prevent or attempt to prevent such electors from so accompanying him or them, or evade or attempt to evade such electors, or stop at any place on the way from such polling place to said city or county clerk's office, without apparent necessity therefor, he or they shall be deemed guilty of a misdemeanor, and upon conviction therefor shall be punished accordingly. Said inspectors, upon returning the ballots to the boxes, and fastening and sealing the same, shall thereupon deliver the same with the unused ballots and a copy of the poll books to a member of the metropolitan police, who shall be sent to the polling place by the superintendent of police for the purpose of receiving the same, and the messenger so sent shall forth-

with convey said boxes, poll book and unused ballots to police headquarters, and there deliver the same to said superintendent, and the said boxes when so received shall be deposited by said superintendent in some safe place and shall remain in the custody of said superintendent for four months thereafter, when the ballots therein may be taken out and destroyed. The poll books shall be placed on file in the office of the superintendent of police, and the unused ballots shall be destroyed as herein provided. The same or another messenger shall receive from the inspectors the registers of electors, election list of electors and other paraphernalia of election, and deposit the same with the city clerk. Whenever within four months any court of competent jurisdiction, board of canvassers or other competent authority shall require such ballot boxes for the purpose of having or making a recount of the ballots therein contained, for one or more candidates, said superintendent shall, upon proper demand or request in writing, send such box or boxes as may be required by one or more of the metropolitan police to the court or board so entitled thereto, but such box or boxes shall not be taken from the custody of such member or members of the police force, except to open the same and count the ballots therein in his or their presence, and upon such count being made the ballots shall be returned to the box or boxes from which they were taken, duly locked and sealed, and said boxes then be conveyed back by the members in charge to such superintendent. (As amended by act approved March 10, 1897.)

Board of City Canvassers.

(§ 54) Sec. 50. The city clerk, city treasurer and the senior police justice of said city shall constitute the board of city canvassers referred to in this act, and shall upon the Thursday next

When to meet.

after the election, at ten o'clock in the forenoon, meet in a con-

venient public place, to be by them designated, and proceed to open and canvass the returns for city officers and declare the result of the election as soon as possible thereafter. For the purpose of tabulating the returns and doing such other incidental detail work as shall be necessary, each of the said board of canvassers may designate a suitable person to act as one of the clerks of the said board, to be compensated in such manner as the council may determine. The board itself shall elect one of their number to be chairman. When the result shall have been determined, the board shall cause to be made a record in the proper book for that purpose to be provided, of its proceedings and of the result of the said election as determined by the said board, which shall be signed by the entire board and kept on file with the city clerk for record. If it shall be claimed by any member of the board of city canvassers that the return made to the board from any district is erroneous in respect to the return of votes cast for any office, the superintendent of police, on the request of said board, shall produce before said board the returns certified in the poll book for the district, and the county clerk shall likewise produce the returns in his office from such district, and if on comparison of all of such returns it appears that any two of them agree as to the number of votes returned for such office, the returns so agreeing shall be accepted as correct returns of the number of votes cast for such office. If the error be claimed to have been made in the return for any State, county or congressional office, the superintendent of police and city clerk shall produce said poll book and returns filed in the city clerk's office, and like examination and comparison shall be made thereof with the returns made to the county board of canvassers, and with like effect as is above provided in case of alleged error in the return of votes cast for a city, ward or district office. (As amended by act approved April 4, 1901.)

Proceedings of Board.

Clerks.

Compensation of Clerk.

Chairman of Board.

Record of determination.

Proceedings in case of error in returns made to Board.

Registrars and Inspectors shall enforce peace and good order.

(§ 55) Sec. 51. All registrars and inspectors of elections, while exercising their office under this or any other law regulating elections, shall have full power and authority, and are hereby required to enforce the peace and good order and obedience to their lawful commands for such ends at and about the places of registration and of holding elections. They shall especially keep the access of electors to the polls open and unobstructed, prevent and suppress all riot, violence, tumult and disorder, and also any and all improper practices or attempts tending to obstruct or intimidate electors from a free exercise of their free right to vote or tending to disturb or interfere with their free and peaceful registration of electors or counting and certifying the results of an election. They shall also protect the clerks of the election and the witnesses and challengers designated to attend the election as herein provided for from any violence, interference or molestation during the receiving and enumeration of ballots, and they shall at all hazards be bound to preserve and secure the registers, lists of electors, poll book, ballot boxes and ballots at every election from violence, fraud or tampering. To enforce the provisions of this section, the officer or authority having command of the police force of said city shall detail from service at the polling place in any district of such city such force as the police board may deem necessary, and on every day of election shall have a special force in readiness for any emergency. The police authorities shall assign at least one policeman to duty in each district on every day of an election, and if necessary shall employ the necessary number of special policemen. During the receiving and counting of the ballots or registering of electors, no person shall in any manner hinder or delay any elector in reaching or leaving the place fixed for registration or casting his ballot. In the discharge of their duties the inspectors

of election may, if necessary, appoint and require any elector or electors to aid them in making known their order and enforcing the peace. The inspectors of election, or any of them, or any registrar, may order the arrest of any person violating this section, but such arrest shall not prevent such person from voting or registering if he is entitled so to do. The sheriff and all constables, policemen and officers of the peace, and all bystanders at any election, shall immediately obey and aid in enforcing any and every lawful order made by the inspectors or registrars at any election in execution of the provisions of this section. Any persons wilfully refusing or neglecting to perform any of the duties by this section prescribed shall be deemed guilty of a misdemeanor and shall be punished accordingly. No inspector shall count or enumerate the ballots in a manner different from that herein described.

Compensation of Inspectors and Clerks.

(§ 56) Sec. 52. Each of the members of the board of inspectors and each clerk of election shall be entitled to receive the sum of not exceeding eight dollars, and each gate-keeper the sum of not exceeding five dollars, which shall be in full for all services connected with said election, for services at the same and making the returns thereof, and it shall be unlawful for any inspector, or register, or clerk, or gatekeeper, to receive any greater sum, or for any member of the common council or city officer to vote or pay any greater compensation than is herein allowed, and any person violating the provisions of this section shall be deemed guilty of a misdemeanor. The inspectors appointed to represent their district in the city board of canvassers shall be entitled to receive the sum respectively of eight dollars, and no more, in addition to their pay as members of the board of inspectors, provided that the members of the board appointed

to make a recount of ballots as provided by law may receive the sum of four dollars for each day of eight hours in which they may be actually engaged in making such recount.

City Clerk to procure pamphlet copies hereof.

(§ 57) Sec. 53. It shall be the duty of the city clerk to procure pamphlet copies of this chapter to be printed, and furnish one of them to each of said registrars and inspectors on acceptance of their respective offices. Any vacancies in the office of the present registrars shall be filled by appointment by the common council, and in the office of inspector by the electors as in like cases as herein provided.

Special elections to be conducted like general elections.

(§ 58) Sec. 54. Special elections shall be conducted as near as may be in the same manner as general elections, but in such cases the returns of the inspectors shall be directed to and shall be opened and canvassed, and the result declared by the common council, which shall hold a session for that purpose on the Saturday next after election at two o'clock in the afternoon.

Election to fill vacancy.

(§ 59) Sec. 55. If any person be voted for at an election to fill vacancy or residue of a term the ballot of the electors shall designate such vacancy or residue, and on the canvass of votes, any person who has received a plurality of votes for any office shall be declared duly elected to such office.

Tie vote.

(§ 60) Sec. 56. When two or more persons shall have an equal number of votes for the same office, the election shall be determined by the drawing of lots, in the presence of the common council. The name of each of such persons shall be written on separate slips of paper, and each slip deposited in a box, or other proper place, and the president of the common council shall draw out of said box, or other place, in the usual manner of determining by lot, one of said slips, and the person whose name is thereon

shall be deemed entitled to hold the office for which he received said votes, in the same manner as other officers duly elected.

This act to govern all elections.

(§ 61) Sec. 57. The mode of conducting all state, congressional and county elections in said city, shall be in the manner herein provided for the election of city officers, except that the returns thereof shall be made as herein provided, and the provisions of this act shall govern when applicable to such elections notwithstanding the provisions of any general law unless the same shall in terms be dec lared applicable to elections in said city. It shall be the duty of the election commissioners of the county to print all ballots intended for use in said city in the manner herein prescribed for elections of city officers.

No arrest on civil process shall be made on election day.

(§ 62.) Sec. 58. No person entitled to vote at any election, held under this act, shall be arrested on civil process within said city, on the day on which such election is held. When any time shall be mentioned in this act it shall be deemed to be local and not standard time so called, unless otherwise specially provided.

Local time intended,

Punishment for fraudulent registration, or fraudulent voting.

(§ 63) Sec. 59. If at any registration of voters, or any meeting of the district board of registration, held for such purpose, or for revision thereof, as provided in this act, any person shall falsely personate an elector or other person, and register or attempt to register in the name of such elector or other person; or if any person shall knowingly or fraudulently register or offer, or attempt, or make application to register, in, or under the name of any other person, or in, or under a false, assumed or fictitious name, or in, or under any name not his own; or shall knowingly or fraudulently register in two election districts; or having registered in one district, shall fraudulently attempt or offer to register therein; or shall, knowingly or wilfully or fraudulently

register in any election district, not having a lawful right to interfere with, hinder or delay any officer of registration in the discharge of his duties, or counsel, advise or induce or attempt to induce any such officer to refuse or neglect to comply with or to perform his duties or to violate any law prescribed for regulating the same; or shall aid, counsel, procure or advise any voter, person, inspector of election, or other officer of registration, to do any act by law forbidden, or in this act constituted an offense, or to omit to do any act by law directed to be done, every such person upon conviction thereof, shall be adjudged guilty of a felony, and shall be punished by imprisonment in the Detroit House of Correction for not less than six months nor more than five years. If at any election hereafter held in such city any person shall falsely impersonate any elector or other person, and vote or attempt to or offer to vote in or upon the name of such elector or other person; or shall vote or attempt to vote in or upon the name of any other person, whether living or dead, or in or upon any name not his own; or shall knowingly, wilfully or fraudulently vote more than once for any candidate for the same office, except as authorized by law; or shall vote or attempt to, or offer to vote in any election district without having a lawful right to vote therein; or vote more than once, or vote in more than one election district, or having once voted shall vote or attempt to or offer to vote again; or shall by force, threat, menace, intimidation, bribery or reward, or offer or promise thereof, or otherwise unlawfully, either directly or indirectly, influence or attempt to influence any elector in giving his vote; or prevent or hinder, or attempt to prevent or hinder any qualified voter from freely exercising the right of suffrage; or shall knowingly, wilfully or fraudulently interfere with, delay, or hinder in any manner, any inspector of election, clerk or other officer of

election in the discharge of his duties. Every person shall, upon conviction thereof be adjudged guilty of felony, and shall be punished for each and every such offense by imprisonment in the Detroit House of Correction for not less than six months nor more than five years.

(§ 64) Sec. 60. Every inspector of election, registrar, clerk or other officer or person having the custody of any record, registry of viters, election list of voters, affidavit, return or statement of votes, certificate, poll book, or of any paper, document or vote of any description, in this act directed to be made, filed or preserved, who is guilty of stealing, wilfully destroying, mutilating, defacing, falsifying or fraudulently removing or secreting the whole or any part thereof; or who shall fraudulently make any entry, erasure, or alteration therein, except as allowed and directed by the provision of this act; or who permits any other person so to do, shall upon conviction thereof be punished for each and every such offense by imprisonment in the Detroit House of Correction for not less than six months nor more than five years. Punishment for falsifying returns.

(§ 65) Sec. 61. Any person who shall be convicted of wilfully and corruptly swearing or affirming, in taking any oath, or affirmation prescribed by or upon any examination provided for in this act, shall be adjudged guilty of willful and corrupt perjury, and shall be punished therefor, as provided by and according to the laws of this state. Punishment for certifying to false returns.

CHAPTER III.

CITY ELECTIONS.

(§ 66) Section 1. Revised and amended. See Chapter 2, Section 1.

(§ 67) Sec. 2. Revised and amended. See Chapter 2, Section 21.

(§ 68) Sec. 3. Revised and amended. See Chapter 2, Section 22.

(§ 69) Sec. 4. Revised and amended. See Chapter 2, Sections 2, 21, 23.

(§ 70) Sec. 5. Revised and amended. See Chapter 2, Section 20.

(§ 71) Sec. 6. Revised and amended. See Chapter 2, Section 35.

(§ 72) Sec. 7. Covered by Chapter 2, Sections 19 and 29.

(§ 73) Sec. 8. Revised and amended. See Chapter 2, Section 39.

(§ 74) Sec. 9. Revised and amended. See Chapter 2, Section 39.

(§ 75) Sec. 10. Revised and amended. See Chapter 2, Section 58.

(§ 76) Sec. 11. The manner of conducting and voting at elections to be held under this act, the keeping of the poll-list, canvassing of the votes, certifying the returns, and all other proceed- Manner of conducting elections

ings connected with such elections shall be the same as nearly as may be, as is now or hereafter may be provided for by the laws of this State, applicable to general State elections, except as may be otherwise provided in this act: Provided, That the names of all school inspectors to be voted for at any election shall be upon a separate ticket or ballot and said tickets or ballots shall be deposited by the inspectors of election in a separate ballot box provided for that purpose, and the clerks of election shall make a separate poll list containing all the names of women voting at said election (as amended by Act approved March 13, 1889).

(§ 77) Sec. 12. Revised and amended. See Chapter 2, Sections 46, 47, 48, 49.

(§ 78) Sec. 13. Revised and amended. See Chapter 2, Section 54.

(§ 79) Sec. 14. Re-enacted. See Chapter 2, Section 55

(§ 80) Sec. 15. Re-enacted. See Chapter 2, Section 55.

(§ 81) Sec. 16. Re-enacted. See Chapter 2, Section 56.

(§ 82) Sec. 17. Revised and amended. See Chapter 2, Section 57.

(§ 83) Sec. 18. Re-enacted. See Chapter 2, Section 58.

CHAPTER IV.

OFFICERS, WHO ELECTED OR APPOINTED. QUALIFICATIONS, BONDS, OFFICIAL TERMS, REMOVALS, VACANCIES, ETC.

(§ 84) Section 1. There shall be elected at the biennial city election in the year nineteen hundred two and every second year thereafter by the qualified electors of the whole city, the following officers of the corporation on a general city ticket, viz.: A mayor, a city clerk, and five members of the board of estimates, who shall hold their offices for the term of two years, beginning on the second Tuesday of January next succeeding their election; and a treasurer, whose term of office shall be two years beginning on the first day of July next succeeding his election. At said biennial city election in November, nineteen hundred two, and every second year thereafter, there shall be elected two aldermen, two members of the board of estimates, and one constable in each ward of the city, for the term of two years from the second Tuesday of January next succeeding their election. At the biennial election in November, nineteen hundred two, there shall be elected two justices of the peace, who shall hold office for the term of four years from and after July fourth, nineteen hundred three, and thereafter there shall be elected at each biennial November election two justices of the peace, who shall hold their offices for the term of four years from and after the fourth day of July succeeding their election. The police justice elected at the biennial spring election held in nineteen hundred one, shall enter upon and hold his office for the term of four years

Officers to be elected at the Biennial City Elections.

Term of office.

Aldermen when elected.

Term of office.

Justices of the Peace, when elected and term of office.

Police Justice, term of office of.

from and after July fourth, nineteen hundred one, and thereafter at each biennial spring election a police justice shall be elected to and hold office for the term of four years from and after the four day of July succeeding his election. At the biennial spring election in the year nineteen hundred five, and every third spring election thereafter, there shall be elected a recorder and an additional judge of the recorder's court of the city of Detroit; each to hold office for the term of six years from and after the first day of January succeeding their election (As amended by act approved May 21, 1901.)

Recorder and additional Judge of Recorder's Court, when elected and term of office.

Appointment of officers.

(§ 85) Sec. 2. There shall be appointed by the common council on the nomination of the mayor, a controller and a receiver of taxes, who shall hold their offices for the term of three years, respectively, beginning on the first day of July in each case. The common council shall also appoint such other officers as are provided by this act to be appointed by them on the nomination of the mayor, and also such members of the respective boards and commissions of said city as is directed by the several acts providing for said boards and said commissions. The city controller shall appoint a deputy controller, who shall file an official bond, in such sum and with such sureties as the common council may direct and approve, before entering upon the duties of his office. Such deputy shall assist the controller in the performance of the duties of his office and in case of the inability of the controller to perform his duties by reason of sickness, absence from city or other sufficient cause, or in case of vacancy in the office of controller, he shall be vested with all the powers and perform all the duties of controller until the disability of the controller shall cease, or in case of vacancy until the vacancy be filled. The city clerk shall appoint a deputy city clerk, who shall file an official bond before entering upon the duties of his

office in such penal sum as the common council may direct, and with sureties approved by them, and shall, in the absence or inability of the city clerk, be vested with all the powers, and perform all the duties of the clerk; and in case of vacancy in the office of city clerk the deputy city clerk shall continue to perform the duties of the office of city clerk until the next regular election, when the vacancy may be filled. The city treasurer shall appoint a deputy city treasurer, who shall assist him in the performance of the duties of his office, and who shall in the absence or inability of the city treasurer be vested with all the powers and perform all the duties of city treasurer, and who shall file an official bond in such penal sum as the council may direct, and with sureties to be approved by them, and in case of the death or removal of the city treasurer, or vacancy from other cause, the deputy city treasurer shall perform the duties of the office of city treasurer until the next regular election, when the vacancy shall be filled.

Appointments to be made within fifteen days.

If the mayor should fail to nominate or appoint any officer, or the member of any board or commission, the appointment or nomination of whom is vested in the mayor, within fifteen days after the expiration of the term of office or after a vacancy shall occur, the common council shall appoint such officer or member of such board or commission: Provided, that if the mayor shall make a nomination within said fifteen days, and the council reject the same, he may make another nomination or nominations, but not more than fifteen days shall elapse between such rejection and new nomination. Any vacancy existing at the time this act shall take effect shall be filled by the common council. (As amended by act approved March 15, 1895.)

What officers appointed by Board of Aldermen.

(§ 86) Sec. 3. The following officers shall be appointed by the board of aldermen at a meeting to be held on the second

Tuesday in June of each year, viz.: One or more clerks of the market, one or more weighmasters, one or more poundmasters, a gas inspector, an inspector of electric light meters, and such other officers. deputies, assistant officers and agents as may be necessary and whose appointment shall be authorized by prior resolution of the common council. Also a board of inspection of election, to be appointed and constituted as provided by this act: Provided, That any appointment which shall not be made on the day named may be made at any subsequent regular session of the board of aldermen: And provided further, That any office created by ordinance or resolution of the common council may be filled at any time until the second Tuesday of June following, when, as in the case of other officers, the regular term of service shall commence, and the office, if continued, be filled for the ensuing year, unless otherwise provided by the ordinance or resolution creating such office. (As amended by act approved May 25, 1899.)

City engineer.

(§ 87) Sec. 4. The city engineer shall be appointed by the board of public works for the term of three years, beginning on the first day of July; his compensation shall be fixed by said board, and it shall prescribe his duties excepting as the same may be regulated by law or ordinance. (As amended by act approved March 15, 1895.

All officers to hold office until successor appointed or elected.

(§ 88) Sec. 5. All officers, whether elected or appointed, shall hold their offices respectively until their successors shall be duly elected or appointed and qualified, and shall enter upon the discharge of their duties.

Officers to be resident electors.

(§ 89) Sec. 6. No person shall be elected or appointed to, or shall hold any office under this act who shall not be, at the time of his election or appointment, and so long as he shall hold such

office, a resident elector of said city; and no person shall be elected or appointed to, or shall hold such office for any ward in said city who, at the time of his election or appointment, and so long as he shall hold such office, shall not be a resident elector of the ward from and for which he may be elected or appointed: Provided, however, That women shall be eligible to the office of school inspector, subject to the qualifications and restrictions of other persons eligible thereto. If any person elected or appointed to any office in the corporation shall cease to be a resident of the city or ward for which he may have been elected or appointed, such office shall thereby be vacated. (As amended by Act amended by Act approved March 13, 1889.)

Proviso.

(§ 90) Sec. 7. No person shall be elected to the office of attorney unless he be at the time of his election a counselor of the supreme court of this State of two years' standing. (See Chapter XIV creating the law department.)

Qualification of attorney.

(§ 91) Sec. 8. No person shall be elected or appointed to any office created by this act who is now a defaulter to said city, or to any board of officers thereof, or to the State of Michigan, or to any county thereof; and any person shall be considered a defaulter who has refused or neglected, or may hereafter refuse or neglect for thirty days after lawful demand made, to account for and pay over to the party authorized to receive the same, any public money which has come into his possession. If any person holding any such office shall become a defaulter while in office, such office shall thereby be vacated.

Defaulters ineligible to office.

(§ 92) Sec. 9. No person shall be elected or appointed to any office under this act unless he is able to read and write the English language intelligibly, and if any such person be elected or

Officers to be able to read and write English language.

appointed, the common council may declare such appointment or election void.

Members of Council to hold no other office.

(§ 93) Sec. 10. No member of the common council shall hold any other city office, excepting as provided by this act, or any other legislative office, or any county office, excepting notary public.

Person interested in contract disqualified for office.

(§ 94) Sec. 11. No person interested, directly or indirectly, either as principal or surety, in any contract or agreement, written or verbal, to which the corporation shall be a party in interest, or to which any officer or board under this act shall officially be a party, for the construction of any sewer, pavement, building, or performance of any public work whatever, or involving the expenditure, receipt or disposition of money or property of the corporation, by any officer or board under this act, shall be eligible or appointed to any office under this act; and if any person thus interested shall be elected or appointed to office, his election or appointment shall be void, and his office shall be deemed vacant.

Officers becoming interested in contracts to be removed, punishment, etc.

(§ 95) Sec. 12. If any member of the common council, or other officer of the corporation, after his election or appointment, or while in office, shall become, or cause himself to become interested, directly or indirectly, in any contract or agreement, written or verbal, to which the corporation shall be a party in interest, or to which any officer or board under this act shall officially be a party, or in any question, subject or proceeding, pending before the common council, with intent to gain, directly or indirectly, any benefit, profit, or pecuniary advantage, he shall be removed from his office, and his office declared vacant by the common council, and he shall be deemed guilty of willful and corrupt malfeasance in office, and may be prosecuted therefor, and on conviction

shall be punished by a fine not exceeding one thousand dollars, or imprisonment in the state prison not exceeding one year, or both, at the discretion of the court.

Bribery of members of Council, and how punished.

(§ 96) Sec. 13. If any person shall offer, directly or indirectly, to a member of the common council, or if any member of the common council shall directly or indirectly accept, or agree to accept, any money, goods or chattels, or any bank note, bank bill, bond, promissory note, due bill, bill of exchange, draft, order or certificate, or any security for the payment of money or goods and chattels, or any deed or writing containing a conveyance of land, or containing a transfer of any interest in real estate, or any valuable contract, in force, or any other property or reward whatsoever, in consideration that such member of the common council will vote affirmatively or negatively, or that he will not vote, or that he will use his interest or influence on any question, ordinance, resolution, or other matter or proceeding pending before the common council, he shall be removed from office, and his office declared vacant by the common council, and both he and the person making such offer, as aforesaid, shall be deemed guilty of misdemeanor, and may be prosecuted therefor, and on conviction shall be punished by a fine not exceeding one thousand dollars, or imprisonment in the state prison, not exceeding one year, or both, at the discretion of the court.

Oath of office.

(§ 97) Sec. 14. Every officer, appointed or elected under this act, before entering on the duties of his office, shall take and subscribe the following oath of office: "I do solemnly swear (or affirm) that I will support the constitution of the United States, and of this state, and that I will faithfully discharge the duties of such office to the best of my ability;" and shall file said oath, duly certified by the officer before whom it was taken, in the office of the clerk of said city.

Officers elected, when to enter upon duties.

(§ 98) Sec. 15. Officers, who are elected at the annual city election, except treasurer, shall take and subscribe the oath of office before the city clerk, file their official bonds, and enter upon their official duties, on the second Tuesday of January next ensuing their election, or within ten days thereafter. The treasurer shall file his official bond, take and subscribe the oath of office before the city clerk, and enter upon his official duties on the first day of July next ensuing his election. Officers who are appointed, shall qualify and enter upon their official duties on the first day of July next ensuing their appointment: *Provided*, That assistants and clerks appointed upon nomination of any officer, shall assume the duties of their positions upon confirmation of such nomination by the proper body. Officers who are either elected at a special election, or appointed to fill the unexpired portion of a term, shall take and subscribe the oath of office, file their official bonds, and enter upon their duties within ten days next ensuing notice of their election or appointment, except justices of the peace.

Treasurer's oath of office and term.

Officers appointed, when, etc.

Offices, how discontinued.

(§ 99) Sec. 16. Any office hereby authorized, but not specially named, may at any time be discontinued by the common council, and if there be an incumbent in such office, such discontinuance shall, on notice thereof, discharge him from the office, and a further execution of its duties, and his office be deemed vacant.

Recorder subject to impeachment.

(§ 100) Sec. 17. The recorder shall be subject to impeachment and removed from office for corrupt conduct in office, or for crimes and misdemeanors, in the same manner as judicial officers, pursuant to the provisions of the constitution of this state.

Expulsion and removal of officers.

(§ 101) Sec. 18. The common council may, by a vote of two-thirds of all the members elect, expel or remove from office any

of their own members, and may remove any other officer holding office by election, except the mayor and recorder, for corrupt or willful malfeasance or misfeasance in office, or for willful neglect of the duties of his office, by a vote of two-thirds of all the members elect, and in such case the reason of such expulsion or removal shall be entered on the records of the common council, with the names and votes of the members voting on the question. No officer holding office by election shall be expelled or removed by said common council unless first furnished with a copy of the charges in writing and allowed to be heard in his defense, with aid of counsel; and, for the purpose hereof, the common council shall have power to issue subpœnas, to compel the attendance of the witnesses and the production of papers, when necessary, and shall proceed, within ten days after service of a copy of the charges, to hear and determine upon the merits of the case. If such officer shall neglect to appear and answer to such charges, his failure to do so may be deemed good cause for his removal from office. The mayor shall have power to suspend or remove constables from office, and in case of such suspension or removal from office, the mayor shall report the same, with the reasons therefor, to the common council. (As amended by Act approved June 2, 1887.)

Removal of elective officers, proceedings for, etc.

(§ 102) Sec. 19. Any officer holding by appointment, unless otherwise provided by law or ordinance, may be removed at any time by the common council, without charges, and a trial thereof, by a vote of the majority of the members elect, except the controller, receiver of taxes, and superintendent of the house of correction, who may be removed for the same causes and on the same proceedings as a member of the common council.

Removal of officers appointed.

(§ 103) Sec. 20. Any officer, holding office by election, except the Recorder, against whom charges shall be preferred, may

Temporary suspension from office, how made.

be suspended from office by a majority vote of all the members of the common council elected, until such charges shall be heard and determined; and any officer holding office by appointment, may be suspended temporarily from office, at any time, by the like vote.

Vacancies.

(§ 104) Sec. 21. In the case of expulsion or removal from office, death, resignation, or permanent disability of any officer, his office shall thereby become vacant, and may be so declared by the common council.

Resignations. Filing vacancies in office of mayor or aldermen.

(§ 105) Sec. 22. Resignations of office shall be made in writing, as follows: By the mayor to the common council, by the aldermen to the president of the common council, by all other elective officers to the mayor, who shall report the same to the common council for its acceptance, by all appointive officers to the mayor or other officer or board whose duty it is to fill the vacancy. (As amended by Act approved June 2d, 1887.)

Vacancies in appointed office.

(§ 106) Sec. 23. If any office of appointment shall become vacant, a successor to serve for the unexpired portion of the official term may be appointed in the same manner as his predecessor.

Filling vacancies in office of mayor or aldermen.

(§ 107) Sec. 24. If a vacancy occurs in the office of mayor or alderman more than six months before the time for holding the next succeeding annual city election, the common council shall order a special election to fill such vacancy for the residue of the official term; if it occurs within six months before the time for holding such election the common council may, in its discretion, order a special election to fill such vacancy for the residue of the official term. (As amended by Act approved June 2d, 1887.)

Vacancies, how filled.

(§ 108) Section 25. If a vacancy occurs in any elective office other than that of mayor, recorder or alderman, the common council shall appoint some person eligible under this act, unless otherwise provided, to serve in such office until the next biennial election, when the vacancy shall be filled for the remainder of the official term. No office shall be deemed vacant under this or the two preceding sections of this chapter excepting in case of the death, resignation, expulsion, permanent disability or removal from the city, ward or district of the person appointed or elected to such office. (As amended by Act approved May 21, 1901.)

What to be deemed a vacancy.

Official bonds.

(§ 109) Sec. 26. The controller, treasurer, clerk, attorney, receiver of taxes, superintendent of the house of correction, clerk of the market, and such other officers as the common council may direct, shall, respectively, before they enter upon the duties of their respective offices, file in the clerk's office an official bond, in such sum and with such sureties as the common council shall direct and approve.

Conditions of official bonds.

(§ 110) Sec. 27. The official bond of every officer shall be conditioned that he will faithfully perform the duties of his office, and will, on demand, deliver over to his successor in office, or other proper officer or agent of the corporation, all books, papers, moneys, effects and property belonging to the corporation, or appertaining to his office which may be in his custody as an officer; and such bond may be further conditioned, as the common council shall prescribe. The official bond of every officer whose duty it may be to receive or pay out money, besides being conditioned as above required, shall be further conditioned that he will, on demand, pay over or account for to the corporation, or any proper officer or agent thereof, all moneys received by him as such officer.

Constable's bond.

(§ 111) Sec. 28. Every person elected to the office of constable in said city, before entering on the duties of his office, shall, with two or more sureties, to be approved by the common council, execute and file with the city clerk a bond or instrument, in writing, to the city of Detroit, in the penal sum of two thousand dollars, conditioned, well and faithfully in all things, to execute and perform the duties of his office during the continuance therein, and to pay to each and every person who may be entitled thereto, all sums of money which said constable may become liable to pay on account of any execution or process for the collection of money which shall be delivered to him; and further conditioned as the common council may prescribe.

Council may order new official bonds.

(§ 112) Sec. 29. The common council may at any time require any officer, whether elected or appointed, to execute and file with the clerk of the city, new official bonds, in the same or in such further sums, and with new or such further securities as said council may deem requisite for the interest of the corporation.

Clerk to give officer notice of election.

(§ 113) Sec. 30. The clerk of the city shall cause every officer, whether elected or appointed, as soon as practicable after his election or appointment, to be served with a written notice thereof and of the amount of his official bond; and if such officer shall neglect to take and subscribe his oath of office, or to file his required official bond within the time prescribed therefor by this act, or if any officer required to execute and file a new official bond, as provided in the preceding section, shall not comply with such requirement within ten days after notice thereof from the city clerk, the common council may declare the office in such case vacant, and such vacancy may be filled as heretofore provided in this act.

Neglect to qualify.

Sureties on bond, how approved.

(§ 114) Sec. 31. The common council or such officer as the common council shall, by resolution or ordinance prescribe, may examine into the sufficiency of the proposed sureties on any official bond or instrument, in writing, required by this act, or on any contract, in writing, to which the corporation, or any officer or board, under this act, shall be a party in interest, and may require such sureties to submit to an examination, under oath, as to their property and responsibility. The depositions of the sureties shall be reduced to writing, be signed by them, certified by the person taking the same, and annexed to or filed with the bond, or instrument, in writing, to which it relates.

Clerk to report those neglecting to qualify.

(§ 115) Sec. 32. The clerk of the city shall report the name of any person elected or appointed to any office, who shall have neglected to file his official bond and oath of office, as required by this act, to the board of aldermen, at its next meeting after such default.

Nominations to common council, of assistants, etc., by officers.

(§ 116) Sec. 33. Each officer of the city, and each board or commission of the city, the appointment of whose assistants or other employes is vested in the common council, shall annually nominate to the common council the person or persons whom the said officer, board or commission shall desire to have appointed to any position in their respective offices, or under their control, designating in the communication or nomination the position or duty to which such person or persons are to be assigned. And it shall be the duty of the common council to confirm or reject the said nominations, and no person or persons shall be appointed to any such office without first having received the nomination of the head of the office, or board or commission in which such person or persons are to be employed. This section shall not apply to appointments already lawfully made. In case of the incompe-

Common council to confirm or reject nomination.

In case of incompetency, etc., of persons nominated.

tency, neglect of duty or other misconduct of any such assistants, clerks or subordinates so appointed to any such office, the officer, board or commission in whose office such person or persons have been appointed, shall represent the fact of such incompetency, neglect of duty or other misconduct to the common council by communication, which communication shall contain the charges and specifications [specification] of any such neglect of duty, incompetency or other misconduct; and if such charges are sustained, then such assistants, clerks or subordinates may be removed by the common council. Any vacancy so occasioned, or by resignation, death or otherwise, shall be filled in the manner above provided. (As amended by Act approved June 2, 1887.)

All fees to be paid City Treasurer.

(§ 117) Sec. 34. All such fees or charges as are, or may be, by the city charter or ordinances, made chargeable or collectable by any city officer, executive board or commission of the city of Detroit, except as the same may apply to the board of education, the board of fire commissioners, the Metropolitan police commissioners, and the board of water commissioners, shall belong to the city of Detroit, and be paid over to the city treasurer by such officer, executive board or commission, and a receipt therefor taken in the same manner as is provided for all other collections and payments to or for the city of Detroit. And such officer, executive board or commission shall make a written report to the controller, under oath, of all such fees and charges so collected and deposited, together with the receipt from the city treasurer for the same, in the same manner as is provided for similar reports. And no officer, executive board or commission, excepting the boards above particularly mentioned, or the employes of said boards, shall receive compensation for his or their services, other than such salary as may be fixed by the common council in the manner provided.

Officers Boards to make full reports of.

No officer to receive other compensation than salary, etc.

CHAPTER V.

OFFICERS: THEIR RIGHTS, POWERS AND DUTIES.

Mayor, his duties.

(§ 118) Section 1. The mayor shall be the chief executive officer of the city of Detroit, and conservator of its peace. It shall be his duty to keep an office in some convenient place in said city, to be provided by the common council; to see that all officers of said city faithfully comply with and discharge their official duties; to see that all laws pertaining to the municipal government of said city, and all ordinances and resolutions of the common council be faithfully observed and executed; and he shall have power in his discretion to report to the common council any violations thereof. He shall, from time to time, give the common council such information and recommend such measures as he shall deem necessary or expedient.

Salary of Mayor.

Who to act in case of vacancy, absence, etc., of Mayor.

(§ 119) Section 2. The mayor shall be paid a salary of five thousand dollars per annum. In case of a vacancy in the office of mayor, or his being unable to perform the duties of the office by reason of sickness, absence from the city, or other cause, the president of the common council shall be acting mayor; and in case, at the same time, there shall be a vacancy in the office of president of the common council, or he shall be unable to perform the duties of his office by reason of sickness, absence from the city, or other cause, the president pro tempore of the common council shall be acting mayor. Such acting mayor shall be vested with all the powers, and shall perform all the duties of mayor until the vacancy or vacancies aforesaid be filled, or the

mayor or president of the common council, as the case may be, shall resume his office. (As amended by Act approved April 3, 1901.)

President *pro tempore.*

(§ 120) Sec. 3. The common council shall at its session on the second Tuesday in January of each year elect from its number, by a *viva voce* vote, a president for the year, and a president *pro tempore*, to supply his place in case of vacancy or temporary absence. (As amended by Act approved June 2, 1887.)

Powers and duties of.

(§ 121) Sec. 4. The president *pro tempore* of the common council shall preside at the meetings in case of a vacancy in the office of president, or of the president being unable from any cause to preside or be present. In such case the president *pro tempore* [shall] be invested with all the powers and shall perform all the duties of president until he shall resume the duties of his office or the vacancy be filled. (As amended by Act approved June 2, 1887.)

Corporation Counsel to appear in Recorder's Court, etc.

(§ 122) Sec. 5. The corporation counsel shall appear in and conduct all suits, prosecutions and proceedings in the recorder's court, to which the city of Detroit is a party, to the end thereof, subject to the rules and practice of said court, and if the same be removed to any other tribunal, by writ of error, habeas corpus, or otherwise, he shall conduct the case before such tribunal. (As amended by Act approved June 2, 1897.)

City Clerk's duties.

(§ 123) Sec. 6. The clerk of the corporation shall keep the corporate seal, and all papers filed in or pertaining to his office, and shall be clerk of the common council, shall attend its meetings, and shall make and preserve a record of all its ordinances, resolutions and other proceedings, in proper books to be provided therefor, and when requested, shall duly certify, under the cor-

porate seal, copies thereof, and all papers duly filed in his office pertaining to the same, and shall possess and exercise the powers of township clerks.

Duties of Controller.

(§ 124) Section 7. It shall be the duty of the controller to countersign all bonds which the corporation or common council is authorized to issue, pledging the faith and credit of said city; to receive all accounts and demands against the corporation, examine them in detail, audit and allow them, or such parts thereof as to the correctness of which he has no doubt and the claimant is willing to accept in full discharge thereof, file and number them as vouchers in the order of their allowance, register them, with the amount allowed and date of allowance, in the same order, in a proper book provided for such purpose, and, on their being properly discharged, in writing, to draw and sign his warrant therefor, upon the treasurer, when the same is ordered to be paid by the common council. If he shall have any doubt concerning their correctness, he shall register them in a separate list, and return them to the common council with his objections. If the same be allowed by the common council, in pursuance of their authority under this act, on their return to the controller, with a certificate of the clerk endorsed thereon that they have been allowed by the common council, he shall then file and register them in the list of allowed claims, in the same manner as above provided for the registering of claims, audited and allowed by him and, on their being properly discharged, in writing, shall draw and sign his warrant therefor on the treasurer. It shall also be the duty of the controller to lay before the common council, once in each year, in the month of July, or oftener, if directed by the common council, a complete classified statement in tabular form of all moneys received and expended by the corporation during the preceding fiscal year, and of all

File vouchers.

Draw and sign warrants.

To present annually in July, statement of accounts, etc.

leases of the property of the corporation, specifying the names of the lessees, the rates of rent, and the period when the leases will terminate. It shall also be the duty of the controller to examine the tax rolls and returns of the city officers, and take general supervision of the financial concerns of the corporation; to keep a complete set of books, exhibiting the financial condition of the corporation in its various departments and funds, its resources and liabilities, with a proper classification thereof, and each fund or appropriation for any distinct object of expenditure, or class of expenditures. When any such fund or appropriation has been exhausted by warrants already drawn thereon or by appropriations, liabilities, debts and expenses actually made, incurred or contracted for, and to be paid out of such fund or appropriation, the controller shall advise the common council thereof at its next meeting. (As amended by Act approved April 22, 1901.)

To examine Tax Rolls and returns of officers.

To advise Council when any fund is exhausted.

(§ 125) Sec. 8. The controller shall also open an account with the treasurer, in which he shall charge said treasury with the whole amount of taxes, general and special, levied in said city, also the whole amount in detail of all bonds, notes, mortgages, leases, rents, interest and other moneys receivable, in order that the value and description of all personal property belonging to the corporation may, at any time, be known. He shall also keep a list of all the property, real, personal and mixed, belonging to the corporation, and of all its debts and liabilities, in order that the amount of the moneys and liabilities of the corporation may at any time be known at his office. The controller shall also perform such other duties as are prescribed by this act, or may be prescribed by the common council, subject to the provisions hereof. The controller shall also open accounts with the treas-

To open account with Treasurer.

Keep a list of property, belonging to the City.

urer, in which he shall charge him with all moneys appropriated, raised or received for each of the several funds of the corporation, and credit him for all the warrants drawn thereon, keeping a separate account of debit and credit of each fund, charging every warrant drawn to the account of the particular fund constituted or raised for the specific purpose for which such warrant is drawn, in order that it may be known at the controller's office when each fund has been or may be exhausted, and what balance, if any, may remain therein.

Treasurer's duties.

(§ 126) Sec. 9. The treasurer shall have the custody of all moneys, bonds, mortgages, notes, leases and evidences of value belonging to the corporation. He shall receive all moneys belonging to and receivable by the corporation, and keep an accurate account of all receipts and expenditures thereof; but no receipt given by the city treasurer shall be valid unless countersigned by the controller. He shall pay no money out of the treasury except in pursuance of and by authority of law, and on a warrant signed by the controller, which shall specify the purpose for which the amount thereof is to be paid. He shall keep an accurate account of, and be charged with, all taxes and moneys appropriated, raised or received for each fund of the corporation; shall keep a separate account for each fund, and shall pay every warrant out of the particular fund constituted or raised for the purposes for which said warrant was issued, and having the name of such fund indorsed thereon by the controller. He shall exhibit to the common council annually, and as often and for such period as may be required, a full and detailed account of all receipts and disbursements since the date of his last annual report, classifying them by the fund to which such receipts are credited, and out of which such disbursements are made; shall report to the controller, at

Annual report.

the end of each month, the amount received and credited by him to each fund, and on what account received; and shall also, when required, exhibit a general statement showing the financial condition of the treasury; which account, report and statement shall be filed in the office of the controller.

City Engineer's powers and duties.

(§ 127) Sec. 10. The city engineer shall have power, and it shall be his duty, to survey within the corporation limits. He shall have the same power to make surveys and plats within the corporation limits as are now or may hereafter be given, by law, to county surveyors, and the like effect and validity shall be given to his official acts, surveys and plats as are or may hereafter be given, by law, to the official acts, surveys and plats of county surveyor. He shall make out the assessment rolls for paving, for side and crosswalks, for lateral sewers, and for all other special assessments, and shall survey for the city.

Duties of Board of Assessors.

(§ 128) Sec. 11. The board of assessors shall assess all the property liable to assessment, for the purpose of levying the taxes lawfully imposed thereon, as hereinafter more particularly provided.

Books, papers, etc., to be delivered to successors in office.

(§ 129) Sec. 12. Whenever any officer shall resign or be removed from office, or the term for which he shall have been elected or appointed shall expire, he shall, on demand, deliver over to his successor in office all the books, papers, moneys and effects in his custody as such officer, and in any way appertaining to his office, and every person violating this provision shall be deemed guilty of misdemeanor and may be proceeded against in the same manner as public officers generally for the like offense, under the general laws of this State, now or hereafter in force, and applicable thereto; and every officer appointed or elected under this act

Penalties for violation.

shall be deemed an officer within the meaning and provisions of such general laws of the State.

General powers and duties of officers.

(§ 130) Sec. 13. In addition to the rights, powers, duties and liabilities of officers prescribed in this act, all officers, whether elected or appointed, shall have such other rights, powers, duties and liabilities, subject to and consistent with the provisions of this act, as the common council may deem expedient and shall prescribe by ordinance or resolution.

Who may administer oaths and take acknowledgments.

(§ 131) Sec. 14. The mayor, recorder, and members of the common council, clerk, controller, clerk and deputy clerk of the recorder's court are hereby authorized generally to administer oaths and to take affidavits, but neither of said officers shall receive any fees therefor except said clerks. The controller shall have the power to take acknowledgments of deeds under the laws of this State.

Mayor may issue process against licensees.

(§ 132) Sec. 15. The mayor may issue process and hear, in a summary way, any complaint against any person to whom a license of any description has been granted in pursuance of this act, for any violation of the laws of the State or the ordinances of the corporation, and may issue subpœnas and compel the attendance of witnesses on the hearing of such complaint, in the same manner as justices of the peace in the trial of civil cases, and on such hearing may annul such license, or suspend it for any certain time. Every determination on such complaint shall be forthwith filed with the clerk of the city, who shall serve a certified copy thereof on the person holding a license affected by such determination, either personal or by leaving the same at his or her usual place of abode, and from the time of such service such license shall be annulled or suspended according to the tenor of such determination.

May revoke licenses.

Power of Council as to unsafe buildings, etc.

(§ 133) SEC. 16. Whenever, in the opinion of the common council, any building, fence, or other structure of any kind, or any part thereof, is liable to fall down and endanger persons or property, they may order any owner or occupant of the premises on which such building, fence, or other structure stands, to take down the same, or any part thereof, within such time as they may direct. In case the order shall not be complied with, they may cause the same to be taken down at the expense of the city, on account of the owner of the premises, and assess the expense on the land on which it stood. The order, if not immediate in its terms may be served on any occupant of the premises, or be published in the city paper, as the common council shall direct. The common council shall also have power to prevent the construction and punish the maintenance of any fence on or along any street, or in front of any public place or space, that is composed, in whole or in part, of barbed wire or iron, or so constructed as to be dangerous and liable to injure persons passing in front of the same.

Claims against city.

(§ 134) SEC. 17. The common council shall audit and allow all accounts chargeable against the city, but no unliquidated account, or claim, or contract shall be received for audit or allowance unless it be accompanied with an affidavit of the person rendering it, to the effect that he verily believes that the services or property therein charged have been actually performed or delivered for the city, that the sums charged therefor are reasonable and just, and that, to the best of his knowledge and belief, no set-off exists, nor payment has been made on account thereof, except such as are included or referred to in such account or claim. It shall be a sufficient bar and answer to any action or proceeding in any court for the collection of any demand or claim against said city, that it has never been presented to the common council

What sufficient bar to action.

for audit or allowance, or if on contract, that it was presented without said affidavit and rejected for that reason, or that the action or proceeding was brought before the common council had a reasonable time to investigate and pass upon it.

Clerk to countersign licenses.

(§ 135) SEC. 18. The city clerk shall countersign all licenses granted by the mayor or any other officer thereto authorized, and shall enter in proper books full minutes of such licenses, and no license shall be valid unless so countersigned.

CHAPTER VI.

REPORTS OF OFFICERS AND BOARDS.

Reports, estimates, etc., of officers.

(§ 136) SECTION 1. The common council may at any time, by resolution, require from the various officers, boards and commissioners of the corporation, reports and detailed statements of any matter under their control, and it shall be the duty of such officer [officers], boards and commissioners to comply with said resolution; the common council may, by ordinance, determine the date, and from time to time change the same, at which estimates of such officers, boards and commissioners of said corporation for the next fiscal year shall be made. (As amended by Act approved June 2, 1887.)

CHAPTER VII.

COMMON COUNCIL—HOW CONSTITUTED—POWERS AND DUTIES.

(§ 137) SECTION 1. The legislative power of the city is vested in a common council, to be composed of the aldermen elected from each ward of the city. The board of councilmen is hereby abolished. The board of aldermen shall hereafter be known as the common council; and the president of the board of aldermen shall be known as the president of the common council. All the powers and duties of said board of councilmen are hereby conferred on the common council, except as is otherwise provided in this act. The words "board of aldermen" shall be taken to mean the common council whenever they occur in the charter. (As amended by Act approved June 2, 1887.)

Of whom council composed, etc.

(§138) Sec. 2. Repealed by Act No. 438. Approved June 2, 1887.

(§139) Sec. 3. Repealed by Act No. 438. Approved June 2, 1887.

(§140) Sec. 4. Repealed by Act No. 438. Approved June 2, 1887.

(§141) Sec. 5. Repealed by Act No. 438. Approved June 2, 1887.

(§142) Sec. 6. Repealed by Act No. 438. Approved June 2, 1887.

(§143) Sec. 7. Repealed by Act No. 438. Approved June 2, 1887.

Duties of common council on nominations, appropriation, measures, reports, contracts, etc.

(§144) Sec. 8. All nominations by the mayor shall be made to and be confirmed by the common council. All annual reports from city officers or boards, all contracts and bonds given for the faithful performance of work, and all claims and accounts shall be sent to the common council and shall not go into effect or be of any force until considered and approved by said common council.

Common council, quorum, etc.

(§145) Sec. 9. The aldermen of the city shall constitute the common council thereof, and a majority of all the aldermen elected shall be a quorum for the transaction of business, but a smaller number may adjourn from day to day, and upon a call of the common council by any member thereof, if supported by a majority of the members present, whether a quorum or not, the president shall have power to send any member of the police force of the city to bring the absent aldermen forthwith before said board. The clerk of the city shall be clerk of the common council. (As amended by Act approved June 2, 1887.)

Clerk of

Election of President and President *pro tempore.*

(§146) Sec. 10. The board of aldermen at their regular meeting on the Second Tuesday in January of each year, and after the newly elected aldermen, or a majority thereof, shall have entered into their offices, shall elect by a *viva voce* vote from their number a president and president *pro tempore*, who shall serve for the period of one year, unless sooner removed by death or otherwise, and shall have the powers and duties prescribed in this act. And the clerk of said city shall call the first meeting of the holding over and newly elected aldermen to order, and shall preside over the same, and each of their subsequent meetings, until a president of such board of aldermen shall be elected, and

City Clerk to be clerk of, to call and preside over first meeting.

no other business shall be transacted by said board until a president thereof shall have been chosen.

Sessions of Board of Aldermen.

(§147) Sec. 11. The board of aldermen shall hold one regular session each week, and no more, at such times and places as they shall by ordinance or resolution direct, and may adjourn regular sessions from time to time, as may be deemed expedient. In no case, however, shall an adjourned session be deemed for any purpose another regular session. (As amended by Act approved June 2, 1887.)

Special meetings, How called, notice of, etc.

(§148) Sec. 12. Special meetings of the board of aldermen may be called at any time by the mayor, or if one-third of the aldermen elected shall, in writing, request the president of the board of aldermen to call a special meeting, stating therein the time and objects thereof, and if he shall refuse or neglect for twenty-four hours to call such meeting, a copy of such request to the president may be filed with the clerk of the city, with the certificate of an alderman endorsed thereon, showing the presentation thereof to the president, and his refusal or neglect as aforesaid, and thereupon such special meeting shall be held, and the clerk of the city shall cause notice thereof, and of its time and place, to be served on each of the members of the board of aldermen personally, or by leaving the same at their usual place of abode, and the proceedings of said meeting shall be limited to the objects thereof as set forth in such request to the president. Special meetings may be adjourned from time to time, as may be deemed necessary, in order to dispose of the business which they are called to consider. (As amended by Act approved June 2, 1887.)

(§149) Sec. 13. Every ordinance, resolution or proceeding

of the common council imposing taxes or assessments or originating the expenditure or disposal of money or property or whereby the corporation or any board of officers under this act may incur any debt or liability, except resolutions making appointments to or removal from office, and except ordinances and resolutions for the fixing of the annual estimates and salaries, and for payment of debts and liabilities previously and lawfully contracted, before it takes effect, shall be presented by the clerk to the mayor; if the mayor approve thereof he shall write thereupon his approval, with the date thereof, and sign the same, and thereupon such ordinance, resolution or proceeding shall go into effect; and such as he shall not so approve and sign he shall return to the common council, with his objections thereto in writing under cover, sealed and addressed to said board. (As amended by Act approved June 2, 1897.)

Proceedings of Common Council to be presented to Mayor.

(§ 150) Sec. 14. If the mayor shall neglect to approve as aforesaid, any ordinance, resolution or proceeding, or return the same, as aforesaid, with his objections, at its next regular meeting after the same shall have been presented to him by the clerk, as before provided, the same shall go into effect.

Mayor's neglect to approve.

(§ 151) Sec. 15. Upon the return, as aforesaid, of any ordinance, resolution or proceeding, the common council receiving such matter, with the objections of the mayor, shall proceed to reconsider the vote by which the same was passed and adopted; and if, after such reconsideration, two-thirds of all the members elected of the common council shall agree by ayes and noes, which shall be entered of record, to pass or adopt the same, it shall go into effect. (As amended by Act approved June 2, 1887.)

Passing ordinances, etc., over objections of mayor.

Clerk's certificate of presentation.

(§ 152) Sec. 16. The clerk of the city shall, at the time of presenting any ordinance, resolution or proceeding of the common council to the mayor for his approval or disapproval, make a certificate to be endorsed thereon, or attached thereto, in which he shall specify the day on which the same was so presented; and such certificate shall be recorded with the proceedings of the common council.

Recording certificate.

Ordinances, etc., where deposited and how recorded

(§ 153) Sec. 17. All ordinances, resolutions and written proceedings of the common council shall be deposited in the office of the clerk of the city, who shall safely keep the same. The city clerk shall cause a journal record of the proceedings of the common council to be printed on good book paper, which record shall be signed by the clerk and president of the common council. Such printed record shall be preserved by the city clerk as the official record of the proceedings of the common council, and no further record thereof shall be required to be kept. At the close of each year the common council shall cause the said printed record to be substantially bound in one or more volumes. The city clerk shall certify, under his hand and seal of the city, on the frontispiece of the volume that the said volume contains the whole of the proceedings of the common council purporting to be contained therein. The printed copy of such common council proceedings which shall be published under the authority of the common council shall be admitted as sufficient evidence thereof in all courts and in all proceedings within this state. (As amended by Act approved March 10, 1897.)

Publication of proceedings of council.

(§ 154) Sec. 18. Such part of the proceedings of the common council as the council may deem advisable and direct, may be published in the official daily newspaper, published in said city, in the English language, or said proceedings, or any part thereof,

may be published in such other form as the council may by resolution direct. All ordinances shall be published for three successive days in such official daily newspaper, and shall take effect in ten days after their enactment: *Provided, however,* That the common council may fix and prescribe therein a different period, and that no ordinance shall take effect before one publication thereof. *And provided further,* That the common council may direct such portion of such proceedings and ordinances, as it may deem proper, to be published in other languages, in a newspaper published in such language in said city, at a price not exceeding the rates paid the official paper, and at an annual expense not exceeding twenty-five hundred dollars for all publications in other languages.

Ordinances, how published and when to take effect.

Publications in foreign languages, and expense thereof.

(§ 155) Sec. 19. The style of all ordinances shall be: "It is hereby ordained by the People of the City of Detroit." No ordinance shall be revised, altered or amended by reference to its title only, but the section or sections of the ordinance altered or amended, shall be re-enacted and published at length.

Style of ordinances.

(§ 156) Sec. 20. All meetings of the common council shall be public, and its proceedings and records shall be open to public inspection at reasonable times.

Council meeting to be public.

(§ 157) Sec. 21. The inhabitants of said city shall have the right of petition to the common council.

Right of petition.

(§ 158) Sec. 22. The board of aldermen shall be the judges of the election and qualifications of its own members, and shall have the power to determine contested elections to said board; the compensation of members of the said board shall be twelve hundred dollars each per annum, payable in monthly installments. Said board shall also have power to determine the rule

Powers and compensation of Board of Aldermen.

of its proceedings and to pass and enforce all by-laws and rules necessary and convenient for the transaction of business and not inconsistent with the provisions of this act. (As amended by Act approved June 23, 1899.)

Power of common council over all property of corporation.

(§ 159) Sec. 23. The common council shall have the general management and control of the finances, and all the property, real, personal and mixed belonging to the corporation, whether lying within or beyond the limits of said city, with full power to lease, sell, convey, transfer, and dispose of the same absolutely, and shall have power to make all necessary regulations for preserving and protecting the same from destruction, decay, or injury, and concerning the management thereof.

Resolution, with expenditures, etc., not to pass same session at which it is introduced, etc.

Exception.

Ayes and Nays

(§ 160) Sec. 24. No resolution, ordinance or proceeding of the common council, imposing taxes or assessments, or requiring the payment, expenditure, or disposal of money or property, or creating a debt or a liability therefor, and no other ordinance shall be passed at the same meeting at which it was introduced, unless by unanimous consent, or at a special meeting called therefor, and every such ordinance, resolution or proceeding shall be passed by ayes and nays, to be entered on the record; and, upon the demand of one-fourth of the members present, the ayes and nays shall be taken on any question and entered upon the record.

Voting

(§ 161) Sec. 25. No alderman shall vote on any question in which he is interested; on all other questions every alderman present shall vote, and in all cases of tie-vote the question shall be lost. (As amended by Act approved June 2, 1887.)

Appointments and removals by majority vote.

(§ 162) Sec. 26. All appointments to office, by the board of aldermen, shall be made by a majority vote of all the aldermen

elected, and removals from office shall be made by a majority vote of all the members of the common council elected, except in cases where, by this act, a different vote may be required.

President to appoint committees

(§ 163) Sec. 27. The president of the board of aldermen shall appoint such committees as the board may deem necessary. The duties of standing committees shall be prescribed by general ordinance.

Powers of chairman and boards to administer oaths, etc.

(§ 164) Sec. 28. The chairman of any committee, and the members of any board established by or under this act, may administer oaths and take affidavits in respect to any matter pending before such committee or board; such committees or board shall have power to subpœna witnesses, to compel their attendance, and the production of necessary papers in all examinations pending before them, and to that end the common council may prescribe and regulate the necessary proceedings, and confer upon the police force of said city, or any officer of the corporation, all needful powers for the purposes aforesaid. The common council shall have power to provide by ordinance for the enforcing of the provisions of this section, and to prescribe the penalty for a violation of any of the provisions thereof.

Powers of Common Council

(§ 165) Sec. 29. The common council, in addition to its other powers under this act, and subject to and consistently with its provisions, shall have power within the limits of jurisdiction of the corporation, as are specified in the following sections.

Common Council to regulate election, and appointment of officers and fix salaries.

(§ 166) Sec. 30. The common council shall have power to provide for and regulate the election and appointment of all officers, and for the removal from office, and for the filling of vacancies subject to the provisions of law; and may authorize and regulate the demand and receipt, by officers, of such fees and

costs as in such cases the council may deem reasonable. It may also fix and regulate the compensation of all officers elected or appointed under or by virtue of any act relating to said city, except as may be otherwise provided; but the compensation of no officer, fixed by an annual or periodical salary, shall be diminished during the term for which he was elected or appointed; nor shall the salary of any officer be increased during his term of office, unless by a two-thirds vote of said council. They may also provide by ordinance that no board, commission, contractor or sub-contractor doing any work for the city of Detroit, or any board of commission of said city, shall pay to any laborer or workman, who must be a resident of the city of Detroit, working for such board, commission, contractor, sub-contractor or any work for the said board, commissions or city a sum less than one dollar and fifty cents per day. Whenever any contract is to be let by the city or any board or commission, the minimum wage of one dollar and fifty cents per day, as provided in this section, shall be in and constitute a part of the specification upon which contractors shall make their bids and shall become a part of the contract. Any contractor or sub-contractor violating any of the foregoing provisions shall be debarred from any further contracts with the city, or any board or commission of the city. Whenever it shall appear that any workman or laborer has been paid less than the amount specified to be paid to him under the provisions of any city contract the common council may provide by resolution for the payment to such laborer of such deficit as may be due him, provided that the amount of such deficit shall have been deducted from the balance due to the contractor from the city.

Common Council may provide by ordinance that laborers on public work shall be paid not less than one dollar and fifty cents a day

If any workman or laborer is paid less than one dollar and fifty cents per day by any such board, commission, contractor

Laborers may recover if paid less one dollar and fifty cents per day.

or sub-contractor for any work for the city or any board or commission of the city, said workman or laborer shall be entitled to recover by an action for debt from the board, commission, contractor or sub-contractor the balance due him with costs. (As amended by Act approved June 1, 1899.)

Detroit river.

(§ 167) Sec. 31. The common council shall have power to provide for and preserve the purity and salubrity of the waters of the Detroit river; to prohibit and prevent the depositing therein of all filthy and other matter tending to render said water impure, unwholesome or offensive; to preserve and regulate the navigation of the said river within the limits of the said city; to prohibit and prevent the depositing of or keeping therein any structure, earth or substance tending to obstruct or impair the navigation thereof; to remove all obstructions that may at any time occur therein, and to direct and regulate the stationing, anchoring and mooring of vessels, and the laying out of cargoes and ballast for the same. It may also license, continue and regulate as many ferries from within said city to Belle Isle and the opposite shore of the Detroit river, for the carrying and transporting of persons and property upon and across said river, in such manner as shall seem most conducive to the public good: *Provided, however*, That nothing in this act contained shall be construed to prevent the construction and maintenance of a bridge across the Detroit river. It shall be the duty of the board of metropolitan police commissioners to detail an officer or member of the metropolitan police force of said city, who shall act as, and whose official designation shall be, harbor master. The harbor master shall have full police powers over the waters of the Detroit river within said city, and shall enforce the ordinances of the city in regard thereto. He shall have power to control and

Control ferries.

To maintain a bridge.

regulate the anchoring of vessels and boats in said river, and the use of the docks and wharves along the same; and it shall be the duty of every captain, master, owner, or other person in charge of any such vessel or boat to comply with the ordinances of the city, and to obey the instructions and directions of said harbor master; and in case of any neglect or refusal so to do, it shall be the duty of the harbor master to move said boat or vessel, and for that purpose he may employ men and tugs, and may enter upon and take and retain possession of said boat or vessel until the reasonable expenses so incurred by him have been paid by the master or other person having charge of said boat or vessel; and the police force of said city shall render him such assistance as may be necessary to enforce the city charter and ordinances. Any captain, master, owner, or other person in charge of any vessel, who shall neglect or refuse to comply with the instructions and directions of the harbor master, in the performance of his duties, shall be deemed guilty of a misdemeanor.

Harbor Master may move vessels.

(§ 168) Sec. 32. The said council may erect, and repair and regulate public wharves and docks at the end of streets, and on the property of the corporation. It shall have power to regulate the erection and repair of private wharves and docks, so that they shall not extend into the Detroit river beyond a certain line, to be established by the common council, and to prohibit the encumbering of all public wharves and docks with boxes, carriages, carts, drays, sleighs, sleds, or other vehicle or thing whatever. The common council may also lease the wharfs and wharfing privileges at the end of streets on the Detroit river in said city, upon such terms and conditions, and under such covenants, and with such remedies in case of non-performance as the common council may direct, but no buildings shall be erected thereon. No

Wharves and docks.

Lease.

lease thereof shall be executed for a longer period than three years: *Provided*, That a free passage at all times for all persons with their baggage over said public wharves shall be reserved.

Council to make, grade, adorn, etc., public grounds.

(§ 169) Sec. 33. The common council shall have power to make, grade, improve and adorn the public squares, spaces, grounds and parks belonging to or under the control of the corporation, and to control and regulate the same consistently with the purposes and objects thereof. It shall have power to establish, open, widen, extend, straighten, alter, vacate and abolish highways, streets, avenues, lanes, alleys and public grounds or spaces within said city; and to grade, pave, repair and otherwise improve the highways, streets, avenues, lanes, alleys or interior public spaces created by the intersection of streets, crosswalks and sidewalks in said city with stones, wood, brick or other material; and the common council shall have full power and authority to provide for the paying the costs and expenses thereof, by assessment in such manner as shall be prescribed by law, which assessment shall be a lien, until paid, on the lot, lots or premises on which the same are bounded, and shall be collected in such manner as shall be authorized by law: *Provided*, That the costs and expenses of all repaving and repairing of streets, avenues and highways within the city shall be paid by the city out of the repairing fund created and raised for such purpose. The said common council may also provide for working and improving all highways, streets, avenues, lanes, alleys and public spaces within said city, and may assess and levy upon the taxable property within said city, and expend such highway taxes therefor as may be necessary, and may elect whether the same shall be collected in money or labor in such amount as the common council shall prescribe for each ward respectively: *Provided*, Such

Proviso as to re-paving, etc.

highway taxes shall not in amount exceed the rates now fixed by law, and the same shall be assessed, levied and collected as other taxes. (As amended by Act approved June 24, 1887.)

Proviso as to amount of tax.

(§ 170) Sec. 34. Said council shall have power to provide for cleaning the highways, streets, avenues, lanes, alleys, public grounds and squares, crosswalks and sidewalks in said city, of dirt, mud, filth and other substances, and for selling or otherwise disposing of the same, and of all earth to be removed therefrom, or from the public squares and grounds of said city, in grading, paving or otherwise improving the same. It shall further have power to prohibit and prevent incumbering or obstructing streets, lanes, alleys, crosswalks, sidewalks and all public grounds and spaces with vehicles, animals, boxes, signs, barrels, posts, buildings, dirt, stones, brick and other materials or things whatsoever, of every kind and nature, and to remove the same therefrom; to prevent the exhibitions of signs on canvas or otherwise in or upon any vehicle standing or traveling upon the streets and public grounds of said city; to control, prescribe and regulate the mode of constructing and suspending awnings, and the exhibition and suspension of signs therein; to compel, within such limits or along such streets in said city as the common council shall prescribe, all owners or occupants of lots, blocks or parcels of land within said limits or along said streets to clear the sidewalks in front of and adjacent thereto of snow, ice, dirt, mud, boxes and every incumbrance or obstruction thereon, and in case of land owned by non-residents, and of land belonging to churches, corporations, charitable and other like associations, and of lands in the hands or control of executors, administrators, guardians, assignees, trustees or agents, and in all other cases where such snow, ice, dirt, mud, boxes, incumbrance or ob-

Cleaning streets, etc.

Disposal of garbage, etc.

To prohibit encumbering streets, etc.

Signs.

Awnings.

To compel clearing walks of snow, etc.

struction, is or are not removed within the time required and prescribed by ordinance, the common council shall have full power to cause the removal of the same, and cause the expense of such removal to be assessed, levied and collected from the abutting property, in the same manner as assessments are made, levied and collected for the repair and construction of sidewalks, and any assessment so made shall become a lien upon the property assessed at the time when the same is due and payable; also to control, prescribe and regulate the manner in which the highways, streets, avenues, lanes, alleys, and public grounds and spaces within said city shall be used and enjoyed; also to provide for sprinkling the streets and public places in said city, or any portion thereof, not less than one block, upon a petition of a majority of the persons owning the lots and parcels of land abutting the same, and to assess and collect the expense of such sprinkling upon and from such lots and parcels of land, in the same manner as assessments are made and collected for paving streets in said city; also to establish fire limits in said city, and from time to time to enlarge the same, and to prohibit and prevent the location and establishment of any yard for the sale or storage of lumber; also to prohibit and prevent the location or construction of any wooden frame house, store, shop or other building on such streets, alleys or places, or within such limits in said city as the common council may from time to time prescribe: to prohibit and prevent the removing of wooden and frame buildings from any part of said city to any lots on such street, alleys and places within said limits, and the rebuilding and repairing of the same; and to direct and regulate the planting, and provide for the preservation of ornamental trees on said highways, or said avenues, streets and public places; to provide for and regulate the lighting of said avenues, streets and public

Assessments to be liens, etc.

Use of streets, etc.

Sprinkling streets, etc.

Fire limits.

Construction of wooden buildings.

Trees.

places, and the erection of lamps and lamp posts therein; to prohibit and prevent racing or fast and dangerous driving and riding therein; to prohibit and prevent the circulating, distributing and giving away of circulars, handbills or advertising cards of any description in or upon any of the avenues, streets, alleys or public places in said city in a manner having a tendency to frighten horses, and also to prohibit and prevent the flying of kites, and all practices, amusements and doings in said city having a tendency to frighten teams and horses, or dangerous to life or property; to remove or cause to be removed all walls and other structures that may be liable to fall therein, or otherwise so as to endanger life or property; to compel and regulate the inspection of all steam boilers used in said city for operating machinery, or for heating purposes, and to require and compel all engineers and persons in charge of, operating or using steam boilers for any of the purposes above named, to be licensed, and to give security for the faithful performance of duty in such sum as the said common council shall prescribe; to compel persons to fasten or secure their horses, oxen or other animals attached to vehicles, or otherwise, while standing or remaining in the streets, lanes or alleys of said city; to prevent persons from driving vehicles, or otherwise, upon or across the sidewalks thereof; and said council shall also have power to license and regulate, by ordinance, the keeping and maintenance of intelligence offices, and to require the person in charge of and conducting such offices to furnish a good and satisfactory bond for the due observance of the charter and ordinances of said city. (As amended by Act approved June 29, 1889.)

Lighting streets, etc.

Racing.

Circulars, handbills, etc.

Flying kites, etc

Removal of dangerous structures.

Inspection of boilers.

Fastening horses, etc.

Driving on sidewalks, etc.

(§ 171) Sec. 35. The council may regulate the ringing of bells and the blowing of steam whistles; and may provide for the

Ringing of bells, blowing of whistles, disorderly conduct.

prohibition and prevention of any riot, rout, disorderly noise, disturbance, or assemblage, or the crying of any goods in the streets or elsewhere in said city, or the exhibition of fireworks and firing of cannon, or any fireworks dangerous to life or property, within the limits of said corporation. It may also prohibit and prevent in the streets or elsewhere in said city indecent exposure of the person, the show, sale or exhibition for sale of indecent or obscene pictures, drawings, engravings, paintings, and books and pamphlets, and all indecent or obscene exhibitions and shows of every kind, and may provide for the general peace, order and good government of said city.

Firearms.

Indecent exposure of person.

Obscene pictures, books, etc.

Peace and good order.

(§ 172) Sec. 36. The common council shall have power to preserve quiet and order on the docks and in the streets of said city, at the arrival and departure of railroad cars, steamboats, and other vessels, and prescribe and regulate the manner and place in which drivers, porters, runners, solicitors, agents, and baggage collectors for hotels or public houses, or express companies, draymen, cabmen, cartmen, hackmen, omnibus drivers, and solicitors for passengers, or for baggage, with their drays, carts, cabs, carriages, sleighs, or other vehicles shall stand, and to prohibit or prevent them from entering or driving within any railroad depot, or upon any wharf or dock, or entering upon any steamboat or other vessel, to solicit passengers or luggage. It may also prescribe places or stands in the streets of said city within which drays, cars, cabs, hacks, coaches, carriages, sleighs sleds and other vehicles may stand and be kept for hire, and within which loads of wood, coal, hay and other articles may be kept for sale, and to regulate such stands and places.

Order on docks, etc.

Arrival and departure of cars, etc.

Regulate drivers, hackmen, etc.

Sale of wood and coal.

(§ 173) Sec. 37. The common council shall have power to prohibit and prevent, or regulate the leading and driving, or run-

ning at large, of cattle, horses, asses, mules, swine, sheep, goats, geese, and domestic fowls, in the streets or elsewhere in said city, and to impound the same when running at large, in one or more sufficient pounds, to be provided and maintained by the city, and to sell the same to pay the cost of proceedings, and any penalty thereby incurred, rendering the surplus, if any, to the owner. It may also prohibit and prevent, or regulate the keeping and harboring of fierce and vicious dogs, and prevent or regulate the running at large of dogs, or require them to be muzzled, and may authorize their destruction.

Regulate driving or running at large of cattle, etc. and impound same.

Dogs.

(§ 174) Sec. 38. The common council may establish, construct, maintain, repair, enlarge and discontinue within the highways, streets, avenues, lanes, alleys, and public places of said city, such bridges, culverts, sewers, drains and lateral sewers and drains, as the common council may see fit, with a view to the proper sewerage and drainage of said city, and may compel the owners of all occupied lots, premises, and subdivisions thereof, within said city, to construct private drains or sewers therefrom, to connect with some public sewer or drain; said private drains and sewers shall be constructed in such manner, and of such form and dimensions, and under such regulations as the common council shall prescribe.

Construct, maintain, close, etc. drains or sewers.

(§ 175) Sec. 39. The common council shall have power to survey, ascertain and establish the boundaries of all highways, streets, avenues, lanes, alleys, public parks, squares and spaces in said city, and to provide for and enforce the numbering of the buildings thereon; to prohibit and remove all encroachments upon and obstructions in the same, by buildings, fences, or in any other manner.

Ascertain boundaries of highways.

Number buildings.

Obstructions.

Drainage of low lands, etc.

(§ 176) Sec. 40. The said council may provide for the draining of any swamp, marsh, wet or low lands in said city, or within the distance of three miles therefrom, by the opening of ditches; but a jury of not less than twelve disinterested freeholders of the County of Wayne, before any proposed ditch can be opened, shall ascertain that the opening thereof is necessary or proper; also, whether the benefits which will accrue to the owner or owners of any lands, from the opening of the ditch, will or will not be equal to any damages he or they will sustain thereby. If such benefits are exceeded by the damages, they shall ascertain and certify the damages to which the owner or owners will be entitled, after deducting therefrom the amount of benefits their lands will receive from the opening of the proposed ditch. On payment or tender of the damages thus ascertained and certified, the common council shall have power to enter upon any land through which the proposed ditch will run, with the necessary agents, teams and implements, to cut and open said ditch; to protect, clean and scour it from time to time, so as to preserve its original dimensions, and to prohibit and prevent all obstructions thereof or injury thereto. In empaneling said jury, the right of challenge shall be preserved as in ordinary civil cases. No more than two peremptory challenges shall be allowed to the city, and a like number to the person or to the parties collectively, whose lands are to be affected by the proceeding. The challenge to the array shall be in writing, and shall distinctly state the reasons therefor.

Power to purchase and sell real estate and mortgage same.

(§ 177) Sec. 41. The common council shall have power to purchase real estate for the use of said corporation, for corporate purposes, and to execute mortgages of the same, for any balance which may remain unpaid on the purchase money paid for such

real estate. They shall also have power to purchase and control land for cemetery purposes, either within or without the corporate limits of said city; erect or provide for the erection of all needful buildings and offices for the use of the corporation or of its officers, and to control and regulate the same; to establish, organize, and maintain an alms-house and a hospital; to purchase the necessary grounds, and erect and provide for erecting the necessary buildings therefor, either within or without the city limits, and to use, control and regulate the same as fully as though located within such limits; and for such purchase of hospital grounds, and for the erection of hospital buildings, the said common council shall have power to expend and appropriate out of the contingent fund of said city, a sum not exceeding fifteen thousand dollars; to establish and build jails, workhouses and houses of correction for the confinement of offenders; to erect and provide for erecting the necessary buildings therefor, and control and regulate the same; to appoint all necessary officers for taking charge of the same, and of persons confined therein; to prescribe their powers and duties, and provide for their removal from office and the filling of vacancies; to erect and maintain market houses; establish markets and market places; to lease market stalls, booths and stands; to provide fully for the good government and regulations thereof, and to prohibit, prevent and punish forestalling and regrating.

Cemetery.

Establish Alms Houses, etc.

Power to appropriate $15,000 from Contingent Fund for Hospital.

House of Correction.

Market houses

Lease Market stalls, etc.

(§ 178) Sec. 42. The council shall have power to provide for the preservation of the general health of the inhabitants of said city; to make regulations to secure the same; to prevent the introduction or spreading of contagious or infectious diseases; to prevent and suppress disease generally, and, if deemed necessary, to establish a board of health, and prescribe and regulate its powers and duties; to

Public health.

Contagious, etc., diseases.

Removing nuisances.

prohibit, prevent, abate and remove all nuisances in said city, or within the distance therefrom of half a mile, and to punish the authors or maintainers thereof, and authorize and direct the speedy or immediate abatement or removal of nuisances by some officer of said city. If, in order to abate or remove any nuisance, the common council shall deem it necessary to fill up, level, or drain any lot or premises, they shall have power so to do; to assess the costs and expenses of such filling, leveling or draining, and impose the same as an assessment or tax on said lot or premises, which shall be a lien thereon till paid, and shall be collected in the same manner as other taxes and assessments levied and imposed by authority of the common council; it shall also have power and authority to compel the owner or occupant of any grocery, cellar, tallow chandler's shop, soap, candle, starch or glue factory, tannery, butcher's shop or stall, slaughter-house, stable, barn, privy, sewer or other unwholesome or nauseous house or place, to cleanse or abate the same whenever necessary for the health, comfort or convenience of the inhabitants of said city; to prohibit and prevent any person from burying, depositing or leaving within the limits of said city, or within one mile distant therefrom, or keeping, or having on the premises owned or occupied by him in said city, any dead carcass, putrid or unsound beef, pork, fish, hides and skins, and any article, substance or thing that is unwholesome or nauseous, and to compel and authorize the removal thereof by some officer of said city, or to compel any person so bringing, depositing or leaving within the limits of said city, or within one mile distant therefrom, or keeping or having on the premises owned or occupied by him in said city, any dead carcass, putrid or unsound beef, pork, fish, hides and skins, and any article, substance or thing that is unwholesome or nauseous, and to compel and authorize the removal there-

Dead carcasses and putrid matter.

of by some officer of said city, or to compel any person so bringing, depositing or leaving the same within the limits of said city, or one mile distant therefrom, or having or keeping the same on the premises owned or occupied by him in said city, to remove the same. The common council is also empowered to enact and provide by appropriate ordinance for the manner of collecting, transporting, conveying and handling of garbage and all animal and vegetable matter and refuse in said city. Also to prohibit the feeding of the same to animals within said city; and to require all persons in said city to dispose of the same in the manner provided by said common council in said ordinance for the removal and destruction thereof, and to impose and enforce appropriate penalties for any violation of said ordinance. (As amended by Act approved June 17, 1889.)

Garbage, removal of, etc.

(§ 179) Sec. 43. The said council may direct and regulate the construction of cellars, slips, barns, private drains, sinks and privies; compel the owner or occupant to fill up, drain, cleanse, alter, relay or repair the same, or cause the same to be done by some officer of the corporation and assess the expenses thereof on the lot or premises having such cellar, slips, barn, private drain, sink or privy thereon, which assessment shall be a lien on such lot or premises, and be collected in the same manner as other assessments imposed by authority of the common council. It may also direct and regulate the construction of lateral sewers or drains, for the purpose of more effectually draining all lots, or cellars, yards and sinks within the limits of said city, whenever, in their opinion, the same shall be necessary. Such lateral sewers or drains shall be laid or constructed through any of the streets or alleys adjoining, or in front of the premises through which sewers or drains shall be ordered constructed, and assess the expenses thereof on such lots or premises benefited thereby,

Cellars, slips, sinks and privies.

Lateral sewers.

Assessments therefor.

which assessment shall be a lien on such lots or premises until paid, and be collected in the same manner as other assessments imposed by authority of the council.

Keeping Powder.

(§ 180) Sec. 44. The common council may regulate the keeping and conveyance, in said city, of powder and other combustible or dangerous articles, and the use and kind of lights or lamps to be used in barns, stables, and all buildings and establishments usually regarded as extra hazardous in respect to fire; and shall have power to prohibit and prevent, within certain limits in said city, to be determined by the common council, the location or construction of buildings for the storing of powder, powder factories, tanneries, distilleries, buildings for the manufacture or storing of turpentine, camphene and dangerous or easily inflammable or explosive substance, slaughter-houses and yards, butchering shops, soap, candle, starch and glue factories, establishments for steaming or rendering lard, tallow, offal, and such other substances as can be rendered into tallow, lard or oil, and all establishments where any nauseous, offensive or unwholesome business may be carried on. And such buildings, factories, shops and establishments as aforesaid, now or hereafter to be constructed in said city, whether within or without the limits, to be determined as aforesaid, together with blacksmith shops, founderies, cooper shops, steam boiler factories, carpenter shops, planing establishments, breweries, and all buildings and establishments usually regarded as extra hazardous in respect to fire, shall be subject to such regulations in relation to their construction and management as the common council may make, with a view to the protection of any property from injury by fire, or to the health and safety of the inhabitants of the city, and to prevent their becoming in any way a nuisance.

Location of buildings to be used for business deemed hazardous to life or health.

Safeguards against fire.

(§ 181.) Sec. 45. The common council is authorized to prevent the building or repairing of wooden buildings on said streets, alleys and places, or within said limits, when damaged by fire and otherwise; to regulate the construction of stone or brick buildings, of partition fences, and of partition or parapet walls, the thickness of walls; to regulate the construction of chimneys, hearths, fire-places, firearches, ovens, and the putting up of stoves, stove-pipes, kettles, boilers, or any structure or apparatus that may be dangerous in causing or promoting fires; to prohibit and prevent the burning out of chimneys and chimney flues, to compel and regulate the cleaning thereof, and to fix the fees thereof; to compel and regulate the construction of ash houses, or deposits for ashes; to compel the owners of houses and other buildings to have scuttles upon the roofs thereof, and stairs or ladders leading to the same; to appoint one or more officers to enter into all buildings and enclosures to discover whether the same are in a dangerous state, and to cause such as are in a dangerous state to be put in a safe condition; to authorize any of the officers of the city to keep away from the vicinity of a fire all idle or suspicious persons, and to compel all officers of the city, and other persons, to aid in the extinguishment of fires, and in the preservation of property exposed to danger therefrom.

Wooden buildings, construction, repairing, etc.

Partition fences.

Chimneys, boilers, etc.

Ashes.

Safeguards against fire.

(§ 182.) Sec. 46. The common council is hereby empowered to prohibit and prevent, or regulate bathing and swimming in any of the waters in and adjoining said city, determine the times and places thereof, and prohibit and prevent any obscene or indecent exhibition, exposure or conduct thereat; and may also license and regulate public bath-houses or bath-rooms on land, and any public floating bath-house, or bath-rooms, or vessels on the Detroit river.

Bathing or swimming in river.

Indecent exposure.

License bath houses.

Houses of ill-fame.

(§ 183.) Sec. 47. The common council may prohibit, prevent and suppress the keeping and leasing of houses of ill-fame, or assignation, or for the resort of common prostitutes, disorderly houses, and disorderly groceries. It may restrain, suppress and punish the keepers thereof, and the owners and lessors of such premises; it may punish, restrain and prevent common

Vagrants.

prostitutes, vagrants, mendicants, street beggars, drunken or disorderly persons. The common council may also prohibit, prevent

Mock auctions and other fraudulent devices and games.

and suppress mock auctions of every kind of fraudulent device or practice, and punish all persons, managing, using, practicing, or attempting to manage, use or practice the same; and all persons aiding in the management, use or practice thereof.

Unsound fish, meat and other diet.

(§ 184.) Sec. 48. The said council shall have power to prohibit, prevent and suppress the sale of every kind of unsound, nauseous and unwholesome, meat, poultry, fish, vegetables, or other articles of food and provisions, and impure or spurious

Intoxicating Liquors.

wines and spurious liquors, and to punish all persons who shall knowingly sell the same, or offer to keep the same for sale; to prohibit and prevent persons from selling or giving away ardent spirits, or other intoxicating liquors, to any child, apprentice or servant without the consent of his or her parents, guardian, master or mistress; to license and regulate the selling or giving away of any ardent spirits or any other intoxicating liquors by any shop-keeper, trader, grocer, inn, hotel or tavernkeeper, keeper of any ordinary, saloon, recess, victualing or other house, or by any other person, in case the selling or giving away of ardent spirits or other intoxicating liquors, and licensing the sale thereof, shall hereafter be authorized by the law of the State.

Gaming.

(§ 185.) Sec. 49. The common council shall have power to prohibit, restrain and prevent persons from gaming with cards,

dice, billiards, nine or ten pin alleys; wheels of fortune, boxes, machines or other instruments or devices whatsoever, in any grocery, store, shop or any other place in said city; to punish the persons keeping the building, instruments or means for such gaming, and compel the destruction of the same. It may license and regulate keepers of billiard tables, pin alleys, nine or ten pin alleys, but not for the purpose of gaming. It may also prohibit, prevent and suppress all lotteries for the drawing and disposing of money, or any other property whatsoever, and punish all persons maintaining, directing or managing the same, or aiding in the maintenance, direction or management thereof. The council shall also have power to regulate or prohibit, prevent and suppress pool selling, or the keeping of pool-rooms or places, or the keeping of houses, rooms or places resorted to for the purpose of betting on base ball games, horse races, or any other betting whatever.

Lotteries.

Pools

(§ 186.) Sec. 50. The common council shall have power to license and regulate the keepers of hotels, taverns and other public houses, grocers, and keepers of ordinaries, saloons, victualing or other houses or places for furnishing meals, food or drink; also solicitors of passengers or for baggage for the benefit of any hotel, tavern, public house, boat or railroad; also draymen, carmen, truckmen, porters, runners, drivers of cabs, hackney coaches, omnibuses, carriages sleighs, express vehicles and vehicles of every other description used and employed for hire, and to fix and regulate the amounts and rates of compensation.

Public Houses' Taverns, etc.

Hotel Runners hackmen, etc.

(§ 187.) Sec. 51. The said council may also license and regulate auctioneers, hawkers, peddlers, newsboys, shoeblacks, bootblacks, pawnbrokers, the keepers of junkshops, laundries or

Council may license and regulate Auctioneers, etc.

laundrymen, laundry companies, the keepers of laundry branches or laundry branch offices, second-hand stores and places for the buying and selling of second-hand goods; and to regulate auctions, hawking, peddling, pawnbrokerage, and the buying or selling of old junk or second-hand goods or materials; also the peddling or hawking of fruits, nuts, cakes or refreshments, jewelry, merchandise, goods and other property whatsoever by hand, handcart, showcase, show stand, or otherwise, in the public streets or places; also butchers and the keepers of shops, stalls, booths or stands at markets or at any other place in said city, for the sale of any kind of meat, fish, poultry, vegetables, food or provisions. It shall also have power to license and regulate dance halls and other halls or buildings used for the public assemblages; and to license and regulate or suppress hucksters, and prohibit and prevent or license and regulate the public exhibition of itinerant persons or companies, of natural or artificial curiosities, caravans, circuses, menageries, theatrical representations, concerts, musical entertainments, exhibitions of common showmen, and shows of any kind.—(As amended by Act approved June 6, 1901.)

Inspectors and Gaugers.

(§ 188.) Sec. 52. The common council shall have power to appoint one or more inspectors, measurers, weighers and gaugers of articles to be measured, inspected, weighed and gauged; and to prescribe and regulate their powers and duties, fees and compensation; to direct and regulate the weight and quantity of bread, the size of the loaf, and the inspecting thereof; the inspecting and measuring of wood, lumber, shingles, timber, posts, stones, heading, and all building materials; the inspecting, measuring and weighing of coke, and all kinds of coal; the inspecting and weighing of hay; the inspecting of vegetables,

fresh, dried, smoked, salted, pickled and other meat, or fish, poultry, butter, lard, and other food or provisions to be sold at wholesale or retail; the inspecting and weighing of flour, meal, pork, beef, and all other food or provisions, and salt, to be sold in half barrels, barrels, casks, hogsheads, boxes, or other packages; and the inspecting and gauging of oils, wines, whiskey, malt and spirituous liquors to be sold at wholesale or retail, or in kegs, half barrels, barrels, casks, hogsheads or other vessels: *Provided*, That nothing herein contained shall be construed to authorize the inspecting, measuring, weighing, or gauging of any article herein enumerated, which is to be shipped beyond the limits of this state, except at the request of the owner thereof, or of the agent having charge of the same: *And provided further*, That the common council shall not have power to require the measuring of wood, except at the request of the seller or purchaser thereof, or the agent of either of them. The said council is also authorized to regulate the weights and measures to be used in said city, and compel every merchant retailer, trader and dealer in merchandise, groceries, provisions, or property of any description which is sold by measure or weight, to use weights and measures to be sealed by the city sealer, and to be subject to his inspection and alteration, so as to be made conformable to the standard of weights and measures established by the general laws of the state: *Provided*, That this section shall not be construed as interfering with or in any way affecting the powers and duties of any city sealer appointed under or by virtue of any other act relating to said city.

Proviso.

Proviso.

Weights and Measures.

Proviso.

(§ 189.) Sec 53. The common council may provide for the protection and care of paupers, and may prohibit and prevent all persons from bringing, in vessels or in any other mode, to

Paupers

said city, from any other port or place, any pauper or other person liable to become a charge upon said city, and to punish therefor. It may also provide for the burial of strangers and poor deceased persons; and regulate the burial of the dead, and the registration of births and deaths, and to order and compel the ordering and keeping and returning of bills of mortality by physicians, sextons and others. In case of the death of any person in the city, every physician or person acting as such, who had charge of, or who was in attendance upon such person at the time of death, shall forthwith file in the office of the board of health a certificate, stating to the best of his knowledge, information and belief, the name, age, sex, nativity, occupation or profession, date and manner of death, and name of disease; and in order to carry out this provision it is authorized to enforce the same by its ordinances, and to punish any violation thereof.

Burial of Strangers.

Registration of Births and Deaths.

Imprisonment for violation of Ordinances.

(§ 190.) Sec. 54. The common council shall have power to provide for the imprisonment and confinement in houses of correction, at hard labor or otherwise, of all persons liable to be imprisoned or confined under this act, or any act relating to said city, or any ordinance of the common council. All expenses attending the confinement of any person sentenced to be committed to any work-house or house of correction of said city, for any offense against the general laws of this state, now or hereafter punishable by imprisonment in the state prison, shall be paid by the state treasurer quarter-yearly, on the certificate of the city controller that such expenses have been incurred. All expenses attending the confinement of any person sentenced to be committed to any work-house or house of correction of said city, for any offense against the general laws of the state, now or hereafter not punishable by imprisonment in the state prison, shall

How expense of imprisonment paid and by whom.

be paid quarter-yearly by the treasurer of the county in which the offender was tried and convicted, upon the certificate of the city controller that such expenses have been incurred. Said council shall also have power, except as herein otherwise specified, to provide for the punishment of all persons offending against this act, or any law relating to said city, or any ordinance of the common council enacted under this or any other act of the legislature, by imposing fines, penalties, forfeitures and costs, and by imprisonment in the house of correction of said city; any person convicted of any offense may also be required to give bail for good behavior. If only a fine, penalty, forfeiture or costs be imposed, the offender may be sentenced to imprisonment until payment thereof, for a term not exceeding six months. All punishments for offenses against the ordinances of the common council shall be prescribed in the ordinance creating or specifying the offenses to be punished; and no penalty or forfeiture shall exceed one thousand dollars; no fine shall exceed five hundred dollars; and no imprisonment shall exceed the period of two years.

Holding to Bail.

Maximum of imprisonment and fine.

(§ 191.) Sec. 55. The council may authorize the mayor to grant, issue and revoke licenses in all cases where licenses may be granted and issued under this act and the ordinances of the common council; to direct the manner of issuing and registering the same; to prescribe the sum of money to be paid therefor into the treasury of the corporation. No license shall be granted for more than one year, and the person receiving the same shall, before the issuing thereof, execute a bond to the corporation in such sum as the common council may prescribe, with one or more sufficient sureties, conditioned for a faithful observance of the charter of the corporation and the ordinances of the com-

Mayor to grant, issue and revoke licenses.

License regulations, fees, etc.

mon council, and otherwise conditioned as the common council may prescribe. The mayor shall inquire into the efficiency of the sureties in such bond, and the same when approved by him shall be filed in the office of the clerk of the city.

Evidence of title perpetuated.

(§ 192.) Sec. 56. The common council may adopt, by ordinance or otherwise, such measures as may be deemed expedient to perpetuate the evidence to the titles to real estate in said city, by the preservation of maps, plats, records and papers relating thereto, and by duly certified copies of such maps, plats, records and papers, and which, certified and filed as such ordinances shall prescribe, shall be received in evidence in all courts.

Owners or occupants of land may be required to build or repair sidewalks.

(§ 193) Sec. 57. The common council shall have power to require the owners or occupants of any lands in said city to build, when necessary all sidewalks in said city in front of the property of such owners or occupants, and the common council may by ordinance, or resolution, prescibe the dimensions of all sidewalks to be built in said city, and prescribe the material therefor, and to be used therein, and such ordinance or resolution may fix the time within which the owner or occupant of any land, in front of which any sidewalk is ordered to be built, shall build the same, and the common council may prescribe such penalty for violation of such ordinance as it may deem proper, not exceeding the amount limited by this act. The building of all sidewalks in said city shall be done under the direction of the department of public works of said city, and if any person shall refuse or neglect to build any sidewalk in front of his or her premises of such material and within the time fixed by the ordinance or resolution aforesaid, the department of public works of said city shall construct the same, and the cost

Walks to be built under direction of "Department of Public Works."

When "Department" shall construct walks.

and expense thereof shall be paid out of the contingent fund, and such cost and expense of building such sidewalk may be recovered from the owner or occupant of land in front of or adjacent to which such walk shall be built, with costs of suit in an action to be brought by said city in any court of competent jurisdiction, or such costs and expenses shall be certified to the board of assessors by said department of public works, and may be assessed upon the lands of such owner or occupant adjacent to such walk in the manner as provided for assessments for other public improvements: Provided, Said assessment roll shall be made in two parts, to be designated parts one and two, and shall be due and payable within such time as the common council may by ordinance or resolution prescribe, and like interest shall be added thereto, and like penalties in cases of non-payment shall be imposed and added thereto in the same manner as is herein provided for assessments for street paving, and such interest and penalties shall be payable and collected with the part or parts to which the same may be added, and the premises assessed therefor may be sold in the same manner as is provided herein for the sale of property for other public improvements, and when collected shall be placed to the credit of the contingent fund. All expenses of repairing sidewalks within said city shall be raised by taxation upon the real and personal property in said city, liable to taxation, and credited to and paid out of the general road fund. (As amended by act approved June 6, 1901.)

Cost of may be recovered from owner or occupant with costs of suit.

Costs and expenses may be assessed against the property.

Assessment Roll, how made.

How premises may be sold.

Expenses of Repairing sidewalks, how to be raised by tax.

(§ 194.) Sec. 58. The common council may also provide and ordain by ordinance, that whenever it shall appear that any taxes or assessments have been illegally assessed or collected, the common council may, by a vote of two-thirds of all members elected, direct and cause the amount so collected to be refunded out of the contingent fund, or in case it has not been collected, to vacate

Illegal taxes or assessments.

the assessment, and fix upon an amount, to be received in full of such tax or assessment, and no such action on the part of the council, under such ordinance, shall in any way affect or invalidate any other tax or assessment assessed, levied or collected in said city.

Powers of Common Council.

(§ 195) Sec. 59. Said council shall also have power to fix and regulate the fees of jurors and witnesses, in any proceeding under any act relating to said city, or under any ordinance of the said council; to assess, levy and collect taxes for the purposes of the corporation, upon all property made taxable by the law for state purposes, which taxes shall be liens upon the property taxed till paid, to make regulation for assessing, levying, or collecting the same, and to sell the property taxed to pay the taxes thereon; to appropriate moneys; provide for the payment of the debt and expenses of the said city, and to make regulations concerning the same; to provide for calling meetings of the inhabitants of said city by public notice thereof, fixing the time and place for meeting; to enact all ordinances necessary to carry into effect the powers conferred by law upon said council; the said council may also provide for printing and publishing all matters required to be printed and published under this act, or by order of the common council, in such manner as said council may prescribe; but for all the printing, including proceedings of the council, ordinances and notices of sales for taxes, in newspapers published in any language other than the English, the amount which may be paid shall not exceed three thousand dollars in any one year, and notices and other advertisements published in said city shall be printed in the newspapers with whose publishers yearly contracts have been made. (As amended by Act approved March 15, 1895.)

(§ 196) Sec. 60. The said common council shall also have power to provide, by ordinance, that whenever any lots or premises have been or hereafter shall be legally, liable to be assessed for the costs and expenses of any paving, or other public work or improvement, and if it should appear that the amount originally assessed upon such lots or premises was not sufficient to pay in full the costs and expenses of such improvement, that a new re-assessment for the amount of such deficiency may be made upon such lots or premises; and also if any such special assessment for the costs and expenses of the making of any such improvement shall be declared by any court of competent jurisdiction to be illegal, to provide for a new or re-assessment upon such lots or premises for the amount of such costs and expenses; and the common council may, by ordinance, limit the time within which such new or re-assessment shall be made, and prescribe all necessary rules and regulations in reference to the making and collecting of the same.

Re-assessment to supply deficiency.

Illegality of assessment.

Time for re-assessment.

(§ 197) Sec. 61. Whenever in any proceedings heretofore or hereafter made for the purpose of paving any street or alley or public places, or for the construction or repairing of any sidewalk or sewer, or for the improvement of any street, or for any public purpose, or for the taking of any private property for public use, or for the opening and extending of any highway, or for other public purpose or for damages to any property occasioned by any public improvement of any kind, and any steps or proceedings required to be taken by any law, or by the charter of the city of Detroit, shall have been omitted or imperfectly taken, and any such improvement shall have been made or constructed in whole or in part thereunder, and private property shall have been benefited thereby, and whenever any special

How irregular proceedings are to be corrected.

assessment shall heretofore have been or hereafter be made therefor, and the same shall, in the opinion of the common council, be invalid, whether such invalidity arises from defects or omissions in the proceedings had and taken for such improvement, or in the assessment made therefor, and the same shall, in the opinion of the common council, be invalid, said common council may vacate and set the same aside, and when any errors or omissions may appear in any such proceedings in the making of said improvement, or in any assessment roll or in any certificate thereto, the common council may order the same to be corrected, and when any such special assessment shall be so vacated or held invalid by the judgment or decree of any court of competent jurisdiction on account of any error or omission in said proceedings or in said assessment, the common council may cause a new special assessment to be made, for the purpose for which the original assessment was made, and no special assessment or re-assessment heretofore or hereafter made shall be vacated, set aside, or held invalid by any court on account of any defect or omission in the proceedings had or taken in the making of said improvement or in such assessment roll, unless the person or persons complaining thereof be required to pay such sum or sums as said court may find the property assessed in said assessment roll shall have been benefited by the making of such improvement. Such new assessment shall be made in the manner for making original assessments of like nature and whenever the assessment or any part thereof assessed upon any lot or parcel of real estate by the original assessment set aside or held invalid as aforesaid has been paid, and shall not have been refunded, it shall be the duty of the receiver of taxes to apply said payment upon the re-assessment of said lot or parcel, or any part thereof, re-assessed, and to

New special assessment to be made.

How new assessment to be made.

How payments to be applied.

make a minute thereof upon the new assessment roll, and such re-assessment shall, to the extent of such payment, be deemed paid and satisfied. All the provisions of the charter making said assessment a lien upon the lots and parcels of real estate therein, and making the same a debt due from the owner thereof to the city, and also those relating to the collection of special assessments, shall apply to re-assessments made under this section: Provided, That nothing in this section shall be construed as in any manner affecting proceedings heretofore vacated or set aside by the decree of any court. The common council shall have power to agree with any street railway company for the surrender of any rights of said company to operate its road on any street or avenue, on condition that the common council shall not, without its consent, or during the existence of such rights, grant to any other company the right to maintain or operate its street railway on such street or avenue: Provided, That said agreement shall not prevent the common council from granting rights to operate roads on any streets crossing such street or avenue. (As amended by act approved June 6, 1901.)

Provisions of Charter making assessment a lien, to apply to re-assessments.

Proviso as to construction.

Common Council has power to accept surrender of rights of Street-Railway Company to operate its road on any street.

Proviso as to streets crossing such vacated streets.

(§ 198) Sec. 62. Whenever in the opinion of the common council it shall be beneficial to do so, they may direct any public or lateral sewers or drains mentioned in this chapter to be constructed in and through private property and lots; in all cases where the council deem it expedient to lay public or lateral sewers or drains through private property, and to take private property or the use thereof for such purposes, proceeding shall be had, as near as may be, similar in all respects to those now provided for in the case of taking private property for the opening, widening or extending streets and alleys, and damages and benefits shall be assessed in the same manner: Provided, First,

Building sewers across or through private premises.

Proceedings

Proviso.

benefits may be assessed upon all lots in each block in which the drain or sewer is laid, which are benefited by the improvement; and further, that all damages actually awarded to parties shall be paid out of the sewer fund, and all assessments for benefits when collected shall be paid into the credit of said fund: Provided further, That when a public or lateral sewer is laid through private property, the same shall be done with the least practical injury or inconvenience to owners or occupants, and using like care, the board of public works, their agents and employes, shall at all times have free access to the premises, for the purpose of making necessary repairs to and connections with such public or lateral sewers or drains.

Damages paid from sewer fund.

Proviso.

Refunding taxes unlawfully collected out of contingent fund.

(§ 199) Sec. 63. The said common council shall also have power, when it shall appear that any tax or assessment is unjust, or is based upon any property not owned by the person to whom it is assessed, by a two-thirds vote of all the members elect, to repay the same out of the contingent fund, if collected, or if not collected, to vacate the assessment in whole or in part, in the manner and with like effect as is provided for in cases of illegal taxes and assessments in this chapter.

Bridge or tunnel across Detroit River.

(§ 200) Sec. 64. The common council shall also have power to unite with the Canadian authorities, or any Canadian corporation, in building and maintaining a public bridge or tunnel across the Detroit river: Provided, That the city shall have an ownership in said bridge or tunnel in proportion to the amount of money it may invest therein, or shall build or own that portion of said bridge or tunnel situated within the boundaries of this state, and shall have an equal voice with said Canadian authorities or corporation in the control and management of such bridge or tunnel, and in fixing the tolls to be charged and collected for

the use of said bridge or tunnel by the public. The said bridge or tunnel shall be a common and public highway, but street car and railroad companies may be allowed to run their cars over said bridge or through said tunnel, upon such terms and conditions as the common council and said Canadian authorities or corporation may from time to time prescribe. Use thereof.

(§ 201) Sec. 65. Immediately after the organization of the board of aldermen shall have been completed, at its session on the second Tuesday in January in each year, and before it shall proceed to any other business, it shall receive the annual message of the mayor. (As amended by Act approved June 2, 1887.) Annual message of the Mayor.

(§ 202) Sec. 66. The common council shall also have power to appropriate each year for the support of the Detroit Museum of Art such sum not exceeding twenty thousand dollars in any one year as it may deem necessary, which sum shall be paid from the general fund: Provided, however, Such appropriation shall be made upon the express condition that admittance to said museum shall be free to the public at all times, subject to such reasonable regulations as to the hours as the board of trustees of said Detroit Museum of Art may establish. The common council shall also have power to appropriate from time to time such sums as is necessary for the purpose of erecting an additional building or buildings for the Detroit Museum of Art, which sums shall be paid from the general fund. The common council shall also have power, with the approval of the board of estimates, for the purpose of erecting such additional building or buildings for said museum of art to borrow upon the best terms it can make and for such time as it shall deem expedient, such sums of money as it shall deem necessary, not exceeding the sum of fifty thousand dollars, and shall have authority to issue bonds Detroit Museum of Art appropriation. Additional buildings. May issue bonds.

pledging the faith and credit of said city for the payment of the principal and interest of said bonds, which bonds shall be denominated "Detroit Museum of Art Bonds," of the City of Detroit and shall bear interest not exceeding four per cent per annum. The controller shall keep an accurate register of all such bonds issued showing the number, date and amount of each bond and to whom the same was issued. The money received from such bonds shall be placed in the city treasury and shall be expended solely for the purposes therein specified under the supervision and on the warrant of the board of trustees of said Detroit Museum of Art. The common council shall have full authority to provide by resolution for the advertising and sale of said bonds, the manner thereof to conform as nearly as may be practicable to the regulations heretofore prescribed by law for the issuance of sewer bonds. The bonds herein provided for shall run for a period of not less than ten years nor more than twenty-five years. (As amended by Act approved May 26, 1903.)

CHAPTER VIII.

THE BOARD OF ESTIMATES.

Commissioners and boards to furnish estimates of money required for ensuing year.

(§ 203) Sec. 1. The Commissioner of Public Works, the Commissioner of Police, the Commissioner of Parks and Boulevards, Board of Fire Commissioners of the City of Detroit, the Board of Health and the Board of Education of the City of Detroit, shall respectively transmit to the City Controller on or before the first Tuesday of February in each year, their estimates of the amount of money required for their respective departments for the ensuing fiscal year, and the City Controller, on or before the first Tuesday in March, shall transmit the same to the common council, together with his estimate of the amount of money required to be raised for the purposes of each of the funds constituted by this charter: Provided, That he may at any time before the expiration of the time within which the common council is required to act upon said estimates, transmit to the common council supplemental estimates, which, by mistake or otherwise, may have been omitted in the estimates aforesaid. The common council shall consider such estimates and may revise or alter said estimates, but not so as to exceed the aggregate amount authorized by law to be raised by taxation, and when such revision shall be completed and adopted, they shall transmit such revised estimates to the board of estimates on or before the first Wednesday in April: Provided, It shall not be required to submit to the board of estimates so much

Controller to transmit estimates to Council.

Proviso as to supplemental estimates.

Council to consider and may revise estimates.

Revised estimates to be sent to board of estimates.

of the revised estimates as shall be required to raise money for the payment of debts or liabilities theretofore duly and lawfully contracted, or for moneys which may be required for the payment of salaries fixed by law, or otherwise required by law to be levied. Said estimates so transmitted by the Common Council shall be considered by the Board of Estimates, and they shall report the amounts of money which for the purposes of the several funds and for the several departments aforesaid, they shall have consented to be raised by taxation. And no money shall be raised by taxation for any of said departments or for any of said funds, unless by consent of said board, excepting for the payment of debts and liabilities theretofore lawfully contracted, or for the payment of salaries fixed by law, or otherwise required by law to be levied. It shall be the duty of the Controller and the said Commissioners and Boards to furnish to the Common Council and to the Board of Estimates such information as may be necessary for the proper consideration of said estimates. (As amended by Act approved June 6, 1901.)

Estimates to be considered by board of estimates.

Information to be furnished to Council.

(§ 204) Sec. 2. Repealed by Act approved June 2, 1887, and a new section substituted as follows:

Board of Estimates created and how constituted.

(§ 205) Sec. 2. A board of estimates in and for the City of Detroit is hereby created, which shall be constituted as follows: Two members from each ward, who shall be elected at the same time and for the same term as aldermen, and five members who shall be elected upon a general ticket at the same time as the mayor, and who shall hold their office for a term of two years. The several provisions of law relating to elections in said city as to election of city officers and aldermen, canvassing the votes and making returns thereof shall, as far as applicable, apply to and regulate the holding of elections of members of said board:

Provided, That the first election of members of said board shall be held on the first Tuesday after the first Monday in November, in the year eighteen hundred and eighty-seven, and two members from each ward shall be then elected, one of whom shall hold his office until the next general election in said city, in the year eighteen hundred and eighty-eight, and the other member so elected shall hold his office for two years from the second Tuesday of January, A. D. eighteen hundred and eighty-eight, and the ballots cast shall designate the respective terms of office of the persons then voted for; and there shall also be elected on said first Tuesday after the first Monday in November, eighteen hundred and eighty-seven, five members of said board upon a general ticket, who shall hold their office until the next general charter election in said city: And provided further, That five days' notice of such first election, to be given by the City Clerk in two or more newspapers published in said city, shall be deemed sufficient. At the next general charter election to be held in the same city in the several wards, and annually thereafter, a member of the board shall be elected from each ward who shall hold his office for two years; and at such next charter election, and each alternate year thereafter, five members of said board shall be elected upon a general ticket who shall hold their office for two years.

Proviso as to first election.

Further proviso as to subsequent elections.

(§ 206) Sec. 3. Repealed by Act approved June 2, 1887, and new section substituted as follows:

(§ 207) Sec. 3. All members of said board shall be resident electors of said city and hold their office until their successors shall be elected and qualified. The following officers of said city shall be ex officio members of said board, and shall have the right to participate in its deliberations, but shall not have the right to vote, to wit: The President and Chairman of

Qualifications and term of office of members of board of estimates.

Ex-officio members of board, who to be, and powers of.

the Committee on Ways and Means of the Common Council, the City Controller, City Counsellor, the President of the Board of Education, Board of Water Commissioners, Board of Police Commissioners, Board of Poor Commissioners, President of the Fire Commission, the senior members, being those whose terms will soonest expire, of the Board of Inspectors of the House of Correction and of the Board of Public Works, or the legal successor or successors in office of any such boards. All members of said board shall, before entering upon the discharge of their duties, take and subscribe and file in the office of the City Clerk, the same oath of office as is prescribed in the charter of said city to be taken by city officers. The members of said board shall receive as compensation five dollars for each daily session of the board. Said board shall elect one of their number president of said board, who shall preside at its meetings, and who shall hold his office until the next election of members: Provided, That if he be absent, or incapacitated from performing his duties, the board may appoint a president pro tempore. The City Clerk shall be ex-officio secretary of said board, and shall keep a record of its proceedings. The first meeting of said board shall be held annually on the first Monday in March, at ten o'clock in the forenoon, and at such other times as the Common Council may by resolution or ordinance provide. The meetings of said board shall be held in a suitable room to be provided by the Common Council, and if no provisions be made, then the same shall be held in the Common Council chamber. The board may adjourn from time to time: Provided, That the meeting which shall be held annually to consider the estimates for the annual general taxes for city purposes shall not be adjourned to a time subsequent to the twenty-fifth day of April. The board shall have the right to call upon the Common Council or upon any officers or

Members of board to take and subscribe oath of office.

Compensation.

President.

President pro tempore.

Secretary.

Meetings of board, when and where to be held

Adjournments.

Council and officers to furnish reports.

boards of the corporation for further reports, or for any information which it may require for the purpose of estimating any amount to be raised, or in reference to any other matter pending before such board. It shall also have the right to inspect the official books and papers of said officers or boards. (As amended by Act taking effect March 9, 1901.)

Board has right to inspect official books.

(§ 208) Sec. 4. Before any moneys shall be raised or taxes levied and collected for the purpose of the several funds mentioned in the charter of the City of Detroit, and acts amendatory thereof, except interest and sinking funds, for the purpose for which moneys are required to be raised by other acts relating to said city, which require estimates for taxes to be submitted by the City Controller or other officers and boards, the estimates of the amount of moneys required for such funds, or purposes by tax, shall be submitted to said Board of Estimates; and before any bonds shall be issued said issue shall be authorized by said Board of Estimates. The estimates for the general city taxes shall be acted upon by the Common Council as provided by law, and shall be submitted to said Board of Estimates in time to be considered by the board, on or before said twenty-fifth day of April. Said board shall carefully consider all estimates hereby required by the act to be submitted to it of moneys to be raised as aforesaid, and shall approve or disapprove the same. It may decrease the amount to be raised, but shall not increase the same. The said board shall have the power and it shall be its duty, after careful consideration of the various estimates referred to it, if it shall deem it advisable so to do, to disallow any item, items or parts of items, in the different funds as well as in the gross amounts thereof, as the said board may deem advisable. and it shall be unlawful for the Common Council of said city to create any expenditure or expend any moneys as to

Estimates to be furnished before moneys raised.

Except interest and sinking funds.

Estimates, how acted upon.

Board has power to disallow items.

items specifically disallowed and disapproved by such Board of Estimates. The said Board of Estimates may authorize the issuing of bonds by a majority vote of all the members elect, in all cases whenever such proposition has been duly and lawfully referred to said board for its action, by the said Common Council, and a majority vote of all the members elect of said board shall also be required to authorize or approve of any such estimates for different funds, or any part thereof, to be raised by taxation. (As amended by Act taking effect March 9, 1901.)

Board may authorize issue of bonds, when.

(§ 209) Sec. 5. All votes in said board approving or disapproving of any estimate, or decreasing the amount thereof, or authorizing or disapproving of the issue of bonds, shall be taken by yeas and nays and entered upon the record of its proceedings. After said board shall have considered the said matters required to be submitted to it, it shall cause an itemized statement to be made of the amount approved by it to be raised by taxation, or for the issue of bonds and the fund or purpose for which raised, which statement, after having been adopted by a majority vote of all the members elect of said board, shall then be certified by the president and secretary of said board, and shall be transmitted to the common council, and only so much of such estimates, or amount to be raised by taxation, as shall have been approved by said board, shall be raised, collected and expended in said city, and only such bonds shall be issued as shall be authorized by said board of estimates, as herein provided. The common council of said city, upon the approval of said estimates or any part thereof, by said board, shall cause to be levied and collected by general tax the amount thereof so approved, and may issue any bonds so authorized to be issued by said board of estimates, as aforesaid. (As amended by Act approved April 5, 1895.)

Voting and statement.

Estimates to be transmitted to common council.

CHAPTER IX.

ISSUE OF BONDS FOR PUBLIC SEWERS.

(§ 210) Section 1. The common council of the city of Detroit shall have power to provide money for the purpose of constructing a suitable sewer through Woodward avenue, from the present city limits on the north to the Detroit river, with a proper outlet, and such other sewers at such localities as the board of public works may deem proper and recommend. Such money may be provided upon the faith and credit of said city, and upon the best terms that can be made, in amount not exceeding five hundred thousand dollars, in addition to the amount heretofore raised under the authority conferred by the section of the act to which this act is amendatory; Provided, That an amount not less than two hundred thousand dollars of the moneys thus to be provided is hereby set apart for the special purpose of constructing and completing the said sewer through Woodward avenue. The said common council are hereby authorized to issue the bonds of said city to an amount not exceeding the said sum of five hundred thousand dollars, pledging its faith and credit for the payment of the principal and interest; but said bonds shall not be negotiated at less than their par value. Said bonds shall be denominated "Public sewer bonds of the city of Detroit," and shall be regularly dated and numbered in the order of their issue; one-fourth of the amount of such bonds as shall be issued may be of the sum of one hundred dollars each, and the remainder shall be for sums of not less than five hundred dollars each. They shall bear interest not exceeding five per cent. per annum, and

Woodward avenue and other sewers, money for.

Amount authorized.

Proviso.

Public sewer bonds, amount of, etc,

Interest on.

shall be payable in not less than five nor exceeding fifty years from date; they shall be issued under the seal of the city, signed by the mayor and countersigned by the controller. The controller shall keep an accurate record of said bonds, showing the class of indebtedness to which they belong, the number, date, and amount of each bond, its rate of interest, when and where payable, and the person to whom it was issued. The proceeds of said bonds shall be paid to the city treasurer and be credited to the public sewer fund, and be applied exclusively to the purposes for which said fund is constituted as above. (As amended by Act approved June 8, 1889.)

Record to be kept, etc.

To be submitted to common council.

(§ 211) Sec. 2. No bonds shall be issued as aforesaid for the purpose of constructing said sewers unless approved by a majority of the common council at a regular meeting held for the purpose of considering the estimates for general city taxes There shall be presented to said meeting an estimate of the board of public works of the necessary cost of constructing said sewer. recommended to be constructed as aforesaid. If a majority of the common council consent to the estimate presented, or any part thereof, the board of public works shall then be authorized to contract for the construction of said sewers, at a cost and expense not exceeding in amount the estimate or part thereof thus consented to; and the common council shall have power to borrow money therefor and issue bonds as above provided.

Board of Public Works authorized to contract.

CHAPTER X

ASSESSMENT AND COLLECTION OF TAXES.

(§ 212) Sec. 1. There shall be three assessors appointed by the common council on the nomination of the mayor, who will be known as the board of assessors, and who shall hold their offices for the term of three years, beginning on the first day of July, one of whom shall be appointed annually. The assessors shall devote their whole time to the duties of their office and shall receive such compensation as the common council may determine. The member of the board whose term of office shall soonest expire shall be its president for the last fiscal year of his term of office. The board shall appoint a secretary, who shall keep a record of the proceedings of said board at its session, and of the proceedings of the board of review. Whenever any communication, report or certificate shall be required to be signed or verified by the signature of said board it shall be sufficient if the same be signed "by order of the board of assessors," by president of such board, with the addition of the name of his office. (As amended by Act approved March 15, 1895.)

Board of Assessors.

Officers of Board.

(§ 213) Sec. 2. The board of assessors shall, before the first day of April in each fiscal year, assess at its true cash value all the real and personal property subject to taxation by the laws of this State, within the limits of each ward respectively of said city, and said board shall, within the same period, make

Duty of Assessors.

Time of completing assessment.

out and complete the assessment rolls, one for each ward, in books to be provided for that purpose by the common council, and to be delivered to said board on or before the first day of September in each year. The action of said board shall, at all times be subject to the correction and revision of the common council of the city of Detroit, as provided for in the charter of the city.

Action of Assessors reviewed by common council.

President of Board of Assessors and Aldermen to be Supervisors.

(§ 214) Sec. 3. The president of the board of assessors, together with the two aldermen of each ward of the city of Detroit, shall be and are hereby vested with the powers and duties of supervisors, as provided by the laws of this State, not inconsistent with the provisions of this chapter, and said president and aldermen shall attend the annual session of the board of supervisors of the County of Wayne, in October, and all other sessions thereof, and shall represent the interests of this corporation in said board.

Proceedings when lots lie in different wards.

(§ 215) Sec. 4. If any lot or lots shall lie partly in two or more wards, the same shall be assessed in the ward where the greater portion of said lot or lots is situated, and the said board shall describe all lands, tenements, and subdivisions thereof, and if the number and section of any lot, or the owner thereof can not be ascertained, then by such other sufficient description subject to assessment or tax in said city, by referring to the number and section of the lot, and the owner or occupant thereof, as such board may deem proper; and if, by mistake or otherwise, any person may be improperly designated as the owner of any lot, tenement, or premises, such assessment or tax shall not, for that cause be vitiated, but the same shall be a lien on such lot, tenement or premises, and collected as in other cases.

Board of Assessors may demand list of property of owner, etc.

(§ 216) Sec. 5. The said board shall have power and authority to demand of every person owning or having charge, as agent or otherwise, of any property taxable in any ward, a list of such property, with such description as will enable them to assess the same, which demand may be made in writing, and by delivering the same to such person, or by leaving the same at his place of residence, with some person of proper years and discretion, and if the person of whom such demand may be made, shall not, within ten days thereafter, deliver to such board a list of the property in said ward belonging to him or her, or under his or her charge, with a correct description of the same, or if he shall omit any such property in the list delivered, said board shall have power, and it shall be their duty, to assess such property, upon such knowledge or information, as may be satisfactory to them, at its cash value, and according to their best judgment and discretion.

May assess according to best judgment.

Board of Assessors to notify taxpayers when roll will be completed.

(§ 217) Sec. 6. It shall be the duty of the Board of Assessors to cause a notice to taxpayers of said city to be published in the daily newspaper published by the printer for said city, and in one other daily newspaper published in said city for two weeks prior to the first day in April in each year; that the assessment rolls will be completed on the first of April. Any person considering himself aggrieved by reason of any assessment, may complain thereof, either verbally or in writing, before said Board of Assessors, and on sufficient cause being shown by the affidavit of such person, by oral proof, or by other evidence, to the satisfaction of such board, it shall review the assessment complained of, and may alter or correct the same as to the person charged thereby, the property described therein, and the estimated value thereof. The concurrence of a majority of the board shall be

Persons aggrieved may complain before Board of Assessors.

Board to review assessment complained of.

Majority of Board to decide.

sufficient to decide any question of altering or correcting any assessment complained of. The Board of Assessors, or a majority of them, having completed the review and correction of said assessment rolls, shall sign, and on the third Tuesday of April in each year, return the same to the Common Council of the city: Provided, That the completion and signing of the auxiliary book of the Board of Assessors' office, shall be deemed a completion of the rolls: And provided further, That the receipt by the Common Council of the communication from the Board of Assessors announcing the completion of the rolls shall be deemed a delivery of said rolls to the Common Council. (As amended by Act approved June 6, 1901.)

When Assessment Roll to be returned to common council.

Proviso.

Communication from Board to be deemed a delivery of the rolls.

Common Council to consider the rolls and hear aggrieved parties.

(§ 218) Section 7. The Common Council, after receiving said assessment rolls, shall, at ten o'clock a. m. of the first succeeding day, proceed to consider the same, and any person considering himself aggrieved by the assessment of his property, and the decision of said Board of Assessors thereon, may appeal to the Common Council; their appeal shall be in writing and shall state, specifically, the grounds of the appeal and the matter complained of; together with the address of such appellant, and no other matter shall be considered by said Common Council. Said Common Council may refer said assessment roll and appeals to a committee of said Council for consideration, and said committee shall give notice to any person who has filed an appeal as above provided of the time and place of the meeting therefor, which notice may be made in writing, by delivering the same to such persons or leaving the same at his place of residence or place of business with some person of proper age and discretion, or by mail, to the address of such appellant. While acting upon said assessment rolls or appeals any member of the said Board

Appeal from decision of Board to be in writing.

of Assessors may, and on request of said Council, or committee, by resolution, shall meet with said Council or committee, or make such explanations as he may deem requisite in any case. (As amended by Act approved June 6, 1901.)

Council or Committee to hear and determine all appeals.

(§ 219) Section 8. The said Council or said committee shall hear and determine all appeals in a summary manner and correct any errors which they may discover in the assessment rolls, and place thereon the names of any persons and the descriptions of any property not already assessed, and assess the same and may increase or diminish any assessment as they may see fit: Provided, They shall not increase any assessment of property without giving a reasonable opportunity to persons owning or having charge of the same, if known, to appear and object thereto, and may continue the consideration of said assessment rolls and hearing of said appeals from session to session for a period not exceeding sixteen days after the time when they are to be first considered as above provided. Said committee shall report to the Common Council their doings in the premises and the same shall be then considered by the Council, who may adopt, change or amend the same, in whole or in part, and after due consideration thereof said rolls shall be fully and finally confirmed by said Council, and shall remain as the basis of all taxes to be levied and collected in the City of Detroit according to property valuation, until another assessment shall have been made and confirmed as above provided. (As amended by Act approved June 6, 1901.)

Assessments not to be increased without notice to parties.

Board of Assessors to prepare Tax Rolls for each ward.

(§ 220) Section 9. After the assessment rolls shall have been fully and finally confirmed, as provided in the preceding section, it shall be the duty of the Board of Assessors to cause

the amount of all taxes, in dollars and cents, authorized to be assessed and collected in each year, to be ratably assessed to each person named or lots described, upon and according to the aggregate valuation such person or lots shall have been assessed in said asessment rolls, or books prepared for that purpose to be known as the tax rolls for each ward, a column showing the amount of city taxes assessed to each person or lots in each year; when said tax rolls shall have been completed, the board shall deliver the same to the Controller, who shall cause the same to be delivered to the Receiver of Taxes, and take his receipt therefor and charge him therewith. All city taxes shall become a debt against the owner from the time of the listing of property for assessment by the Board of Assessors, and shall become due and payable forthwith upon the receipt of the tax roll by the Receiver of Taxes, and the Receiver of Taxes shall forthwith, upon the reception of said rolls, give six days' notice by publication in the official daily paper published in said city, and by posting the same in at least six public places in each ward, which notice shall be a sufficient demand for the payment of all taxes on said rolls, that the general tax rolls have been deposited with him, and that payment of the taxes therein specified may be made to him at any time before the thirtieth day of December thereafter; that no addition will be made to taxes paid before the first day of August, but that an addition of one per cent of every unpaid tax will be made thereto on that day, and a like addition of one per cent on every thirtieth day thereafter until such addition shall amount to six per cent of such tax: Provided, however, That when a person shall, on or about the twenty-fifth day of July, hand to the Receiver of Taxes a list of the property on which he wishes to pay the taxes, and shall be unable to pay said taxes before the first day of August on account of a pressure

Tax Rolls to be delivered to Controller, who shall deliver them to the Receiver of Taxes.

When taxes become a debt against the owner

Receiver of Taxes to give notice that the Tax Rolls have been deposited with him.

Taxes to be paid before December 30.

No addition made to taxes paid before August 1.

One per cent a month added after August 1.

Proviso.

of business in the Receiver's office, then he shall not be charged any percentage if he pay said taxes by the tenth day of August. Upon the receipt of any tax the Receiver shall mark the same paid upon the proper roll and give a receipt therefor. Any person owning an undivided share, or other part or parcel of real property assessed in one description, may pay on the part thus owned by paying an amount having the same relation to the whole tax as the part on which payment is made has to the whole parcel. The person making such payment shall accurately describe the part on which he makes payment, and the receipt given and the record of the receiving officer shall show such description and by whom paid. Any person having a lien on property may pay the taxes thereon, and the same may be added to his lien and recovered with the rate of interest borne by the lien. On the first day of January following the time when any tax shall become due and payable, the Receiver shall add to every such tax six per cent of the amount of the tax and of such addition, as are hereinbefore specified shall thenceforth be the unpaid tax, and shall bear interest from that day at the rate of ten per cent per annum till paid, except as is herein otherwise provided. On or before the fifteenth day of January the Receiver shall add to the tax rolls of the unpaid taxes of each ward an additional column, which shall show the augmented amount of every such tax. Immediately after completing such roll he shall cause a notice to be published in five successive numbers of at least two daily newspapers published in said city stating that said roll of unpaid taxes has been made and that it will remain in his office, where such taxes may be paid until the first day of February following, after which the property against which such taxes are assessed shall be advertised and sold as hereinafter provided. It shall be the duty of the Board of Assessors to make

Receiver to give receipt.

Person having lien on property may pay taxes

Six per cent to be added to tax on January 1.

Notice that roll of unpaid taxes has been made, to be published.

When property to be advertised for sale.

Assessors to make copy of Rolls, and assess the County and State taxes.

copies of said rolls as finally confirmed by the Common Council, upon which they shall ratably assess the County and State taxes, as provided by the general laws of the State. (As amended by Act approved June 6, 1901.)

When Receiver to collect taxes by levy, etc.

(§ 221) Section 10. On and after the first day of August in each year, and at any time until the taxes mentioned in this section are paid, it shall be the duty of the Receiver of Taxes, and the clerks or subordinates in his office, designated by him for that purpose, to collect all unpaid taxes which are assessed against any property or value other than real estate, and if necessary the said Receiver and said clerks or subordinates, under the direction and in the name of the Receiver, shall have power to levy upon and sell at public auction the personal property of any person refusing or neglecting to pay such tax. Six days' notice of any such sale shall be given by the Receiver, by publication in the official newspaper of said city, and any surplus remaining after the payment of the taxes and percentage, and the expense of sale, shall be paid over to the owner of such property or other person entitled to receive the same; and the said Receiver shall have power in the name of the City of Detroit to prosecute any person refusing or neglecting to pay such taxes or any special assessment by a suit in the Circuit Court for the County of Wayne, and he shall have, use and take all lawful ways and means provided by law for the collection of debts, to enforce the payment of any such tax or any special assessment; and the said tax roll shall be prima facie evidence of the indebtedness by such person and the regularity of the proceedings by which such tax or assessment was assessed and levied. All city taxes upon personal property shall be and remain a lien thereon until paid, and no transfer of the personal property assessed shall

Notice of sale of personal property for taxes.

Receiver may prosecute for refusal to pay taxes.

Taxes on personal property to be a lien thereon.

operate to divest or destroy such lien. All city taxes upon personal property and real estate and special assessment thereon in addition to being a lien upon the property assessed, shall be and remain a debt against the owner of the property or his estate after his death, until the same are paid and such debt shall be unaffected by any statute of limitations. And in all suits against the estate of such owner all persons having knowledge of the non-payment of said taxes shall be permitted to testify before any court or commission having jurisdiction of the matter.

Taxes a debt against the owner.

No mortgage or conveyance of real estate or contract for the sale of any real estate shall be received or recorded by the Register of Deeds for the County of Wayne, unless all city taxes or special assessments on the property described in such mortgage, contract, or conveyance shall have been paid, nor unless the address of the grantee, mortgagee, or vendee shall be endorsed thereon. It shall be the duty of the City Treasurer, upon request, to furnish a certificate that such taxes have been paid, and said certificates shall be filed with said Register at the time of the delivery to him of such conveyance, mortgage or contract, for record. Immediately upon the recording of any such conveyance, mortgage or contract, the Register of Deeds shall deliver such instrument to the chief clerk of the Board of Assessors, who shall thereupon note upon the books of said board the change of ownership, with the address of the grantee, mortgagee, or vendee therein. (As amended by Act approved June 6, 1901.)

Mortgages or conveyances not to be recorded until taxes are paid.

Duty of City Treasurer to furnish certificates,

Register of Deeds to notify Assessors of change of ownership

(§ 222) Sec. 11. The owners or occupants, or parties in interest to any real estate assessed under this chapter, shall be liable to pay every such tax or assessment, and if the same shall not be paid by the first day of February following, or any part thereof, it shall be lawful for the receiver of taxes to cause a

Owners liable to pay taxes.

notice to be published in the official daily newspaper for the city, once a week for four successive weeks, and posted in three or more public places in each ward, requiring the owners or occupants of, or parties interested in such lands, tenements, hereditaments or premises, to pay such assessment or tax, and that if default be made in making such payment, such real estate will be sold at public auction, at a day and place to be specified in said notice, for the lowest term of years at which any person shall offer to take the same, in consideration of advancing and paying such assessment or tax, with the additions provided in this act, and the cost and expense of advertising. The common council, in its discretion, may cause said notice, or any part thereof, to be published in a German newspaper in said city; Provided, That all publications in languages other than English shall not exceed the sum of twenty-five hundred dollars per annum, now authorized by the charter of the city of Detroit.

Sale of property for non-payment.

Publication of notice in German language.

When Receiver may sell real estate for unpaid taxes.

(§ 223) Section 12. If the owner or occupant of, or parties in interest in such real estate, do not pay such assessment or tax, with costs, additions and charges within the period above prescribed for the publication of said notice, then the said Receiver shall have the power, without any further notice, to cause such real estate to be sold at public auction, for the lowest term of years at which any person shall offer to take the same, in consideration of advancing such assessment or tax, with the costs, additions and charges, and to direct the execution of a proper certificate of such sale to the purchaser thereof: Provided, If any lot or parcel of land so offered for sale shall have been previously sold for taxes assessed thereon in previous years and the same shall have been bid in at such previous sale or sales by the Controller for the city the purchaser shall be required to

How sale to be made.

pay to the City Treasurer the amount of all previous bids, together with interest thereon from the time of such previous sales at the rate of ten per cent per annum, and if such real estate shall not be redeemed within one year after such sale thereof, as hereinafter provided, the Controller shall, in the name of the City of Detroit, execute and deliver to such purchaser or his assignee, a proper deed for the conveyance of such real estate for the term for which the same was sold; which deed shall be prima facie evidence of the regularity of all the proceedings under which the sale was made and said deed executed up to the date of such deed. Any person, who under such deed, may enter into such real estate and erect or place any building or other property thereon, shall have the right at the expiration of said term, or in case he shall be ousted before the expiration of such term by any person claiming adversely to said deed, then, within three months after trial, judgment or ouster or ejectment, to remove said buildings or property from said real estate. And in all sales of lands for taxes aforesaid, if the purchaser or his assigns shall die before a deed or other conveyance shall be executed on such sale, the deed may be executed by the Controller to and in the name of the purchaser or assigns, who, if living, would be entitled to a deed or conveyance, which deed or conveyance shall vest the title in the heirs or devisees of such deceased person in the same manner, and liable to like claims of creditors and other persons as if the same had been executed to such deceased person immediately previous to his death, or the executor or administrator may assign the certificate of purchase, and the deed of conveyance may issue to the assignee thereof; and in like cases, which have heretofore occurred, the same rule shall apply, and all deeds and conveyances heretofore issued in the name of any deceased person, who, if living at the time of the

When purchaser entitled to deed.

Buildings erected on property purchased at tax sale may be removed.

To whom deed may be made.

execution thereof, would have been entitled thereto, shall have like effect as above provided. (As amended by Act approved June 6, 1901.)

How property may be redeemed from sale.

(§ 224) Section 13. When any lands, tenements and hereditaments shall be sold according to the foregoing provision for the payment of any assessment or tax, as aforesaid, if the owners or occupants or parties in interest shall within one year after such sale deposit with the treasurer of said city, for the use of the purchaser the full amount of the assessment or tax for which such real estate was sold, and such interest as the common council shall prescribe, as hereinafter authorized, together with the amount of the costs and charges, and any sum or sums which said purchaser shall have paid to the city treasurer on account of sales thereof for taxes assessed thereon for any previous years, together with interest thereon at the rate of ten per cent per annum the term for which such real estate was sold shall cease and be determined at the time of making such deposit, subject, however, to the right of the purchaser, his heirs, executors, administrators or assigns, to remove any building or building materials, as hereinbefore provided. (As amended by Act approved June 6, 1901.)

Person in possession liable for tax.

(§ 225) Sec. 14. Any person in the possession of any real estate, at the time any tax is to be collected, shall be liable to pay the tax imposed thereon, and in case any other person, by agreement or otherwise, ought to pay such tax, or any part thereof, the person in possession, who shall pay the same, may recover the amount from the person who ought to have paid the same, in an action of assumpsit, as for moneys paid out and expended for his benefit, or may deduct the amount from any rent due or to become due to the person who should have paid such tax.

Interest on unpaid taxes.

(§ 226) Sec. 15. The common council shall have power to charge interest, at a rate not exceeding ten per cent per annum, from the time of sale upon the amount to be paid upon the redemption of any such real estate and premises so sold.

Right to remove buildings, etc.

(§ 227) Sec. 16. Any person who shall at such sale purchase for a term of years, any lots, grounds or wharves, shall have the right to remove any building or building materials erected or deposited by or belonging to him, and situated on said lots, grounds or wharves, at any time within three months after the expiration of the term or time for which the same were sold.

Controller or Mayor to execute conveyance.

(§ 228) Sec. 17. The controller, or in his absence the mayor may execute in the name of the corporation, and under its corporate seal, proper conveyances or certificates of sale of all lands, tenements or hereditaments sold for assessments or taxes, which, when duly acknowledged and attested by the city clerk, may be recorded as other conveyances of land under the laws of this state.

Controller to bid for city where no one offers to bid.

(§ 229) Sec. 18. It shall be the duty of the controller to bid in for the corporation, at any sale of real estate for assessments or taxes, every lot of land or premises for which no person shall offer to bid; and if any purchaser shall refuse or neglect to pay the sum or sums bid by him, within the time and under the regulations prescribed by the common council, such bids shall enure to the use and benefit of the corporation, if the common council so elect. Upon all such bids by the controller, and all bids as aforesaid, to the use and benefit of the corporation, conveyance and certificates of sale may be executed by the controller to the corporation, acknowledged and attested by the city clerk, and recorded in the same manner as provided in other cases of sale

Certificates of sale.

Special assessments.

for assessment or taxes. But in all cases of sales for special assessments, the property so bid in for the corporation may at the option of the common council be held in trust for the person or contractor in whose behalf such assessment shall have been made, or his assignee, or upon payment to such person or contractor of the amount for which such property shall have been bid in, the city may, as in case of the general tax, become the owner of the tax title or lease thus obtained and may dispose of the same as if obtained under a like sale for any general tax.

All conveyances to be taken as prima facie evidence of regularity of all proceedings.

(§ 230) Sec. 19. All assessment rolls and proceedings under this chapter, and all conveyances, certificates of sale, and leases of any lands, tenements or hereditaments, executed by the corporation, or any of its officers, by virtue of this act, shall be taken and received in all courts as *prima facie* evidence of the regularity of the proceedings by which any tax heretofore mentioned was assessed or levied.

Assessments for sewers, paving and sidewalks.

(§ 231) Sec. 20. Assessment rolls to defray the expense of constructing lateral sewers, side and crosswalks, paving, grading, macadamizing, graveling or otherwise improving streets, lanes or alleys, or for defraying the expense of any local improvements properly payable from the proceeds of special assessment, shall be placed in the hands of the receiver of taxes for payment, as may be provided by ordinance or resolution of the common council, for the space of thirty days, after which warrants for the collection of the same may be issued, and such proceedings for the collection thereof be had as are or shall be prescribed by law, or by any ordinance or resolution of the common council, and sales of any real or personal estate for any unpaid assessment shall be made in like manner, and with like effect, as in case of sales for the non-payment of the general tax.

Warrants.

(§ 232) Sec. 21. All taxes upon personal property may be assessed in any ward of said city, whether the person assessed be a resident of such ward or not; *Provided only*, The property so assessed shall be in said ward, and the officer to whom any warrant for the collection of the same, or any tax or assessment on real estate is delivered, may execute the same by a levy and sale of any personal property, in any ward of said city, belonging to the person or persons chargeable with such tax or assessment.

Personal property to be assessed in any ward.

Proviso.

CHAPTER XI.

TAXATION AND FINANCE.

(§ 233) Section 1. The revenues and moneys of the corporation shall be divided into the following funds, viz: Division of revenues into funds.

First. General fund, which shall be appropriated to defray the expenses of the City of Detroit, for the payment of which, out of some other fund, no provision is herein named; General fund.

Second. Contingent fund, to defray the contingent expenses of said city; Contingent fund.

Third. Interest fund, to pay the interest on the funded debt of the city; Interest fund.

Fourth. Sinking fund, to pay the funded debt of the city: Sinking fund.

Fifth. Fire commission fund, to defray the expenses of purchasing lots, erecting engine houses thereon, purchasing engines and other fire apparatus and all other expenses necessary to maintain the fire department of said city; Fire commission fund.

Sixth. Poor commission fund, to defray the expenses of providing for and taking care of the poor of said city; Poor fund.

Seventh. General road fund, to defray the expenses of work within the lines of intersections of cross streets, the cost of cross-walks, of re-paving, re-surfacing, cleaning and repairing of streets, highways, alleys and avenues of the city, and cleaning and repairing of alleys, and also the whole cost of paving between the tracks of street railroads, whenever the city has by contract or ordinance obligated itself so to do; General road fund.

Eighth. Public sewer fund, to defray the expenses of constructing and maintaining public sewers in said city; Public sewer fund.

Street opening fund.

Ninth. Street opening fund, to defray the expenses of opening, widening, vacating, altering, straightening, extending or abolishing any highways, streets, alleys or avenues in said city;

Street paving fund.

Tenth. Street paving fund, to defray the expenses of grading, paving and graveling, macadamizing or planking highways, streets, alleys, sidewalks and cross-walks in front of, or adjacent to private property, and of putting curbstones and culverts therein;

Public building fund.

Eleventh. Public building fund, for purchasing any real estate for the erection thereon of any public buildings, and to defray the expenses of erecting, repairing and preserving such public buildings as the Common Council is authorized to erect and maintain, and are not herein otherwise provided for, which fund shall from time to time be divided into special building funds, to defray the expense of erecting, repairing and preserving the particular building or buildings for which such special building fund may be constituted or raised;

Recorder's court fund.

Twelfth. Recorder's court fund, to maintain the recorder's court.

Public lighting fund.

Thirteenth. Public lighting fund, to defray the expense of lighting the public streets, parks, alleys and public places, public markets and public buildings of said city;

Deficiency fund.

Fourteenth. Deficiency fund, to cover the deficiency in the various other funds caused by the failure to collect taxes appropriated to such funds in any fiscal year. There should be paid into said deficiency fund all back taxes collected for all years previous to the fiscal year then current, and at the close of each fiscal year the Controller shall transfer from the deficiency fund to each fund for which an appropriation was made by taxation that year, the amount of money remaining uncollected of said appropriation. If there shall not be sufficient money in said defici-

ency fund at the close of any fiscal year to cover the amount of the entire tax levy for that year remaining uncollected, the Controller shall transfer from the moneys received from liquor licenses an amount equal to the difference between the total uncollected taxes for that year and the amount of money in the deficiency fund: Provided, That of the moneys received from liquor licenses during each fiscal year not less than fifty thousand dollars shall be held in reserve for the purpose of making the transfer as above provided. If at any time during the year the receipts from taxes for any fund shall be insufficient to pay the expenses for which said fund is constituted within the appropriation therefor, the Common Council may direct the Controller to advance to said fund from the deficiency fund an amount not to exceed the amount of taxes for that year due said fund and remaining uncollected; the amount of taxes thus advanced shall, upon their collection, be credited direct to the deficiency fund;

Controller shall transfer liquor license moneys

Fifteenth. Garbage fund, for defraying the expense of the removal and destruction of garbage and vegetable and animal refuse from said city;

Garbage fund.

Sixteenth. Such other funds as the Common Council may constitute for special purposes, not inconsistent with nor to be taken from any of the foregoing mentioned funds. (As amended by Act approved June 6, 1901.)

Other funds.

(§ 234) Section 2. The common council shall have power annually to levy, assess and collect taxes not exceeding one per cent on the assessed value of all real and personal estate in said city, made taxable by the laws of this State, in order to defray the expenses, and for the purpose for which the general fund, contingent fund, Detroit fire commission fund, poor fund, general road fund and recorder's court fund are constituted as

Tax for General, Contingent, Fire Commission, Poor, General Road and Recorder's Court Funds.

above. Said common council shall have power annually to levy assessments and collect taxes on the assessed value of all real and personal estate in said city, made taxable by the laws of this State, in order to defray the expenses and for the purpose for which the public lighting fund is constituted as above. Said common council shall have power to advertise for proposals and contract for such public lighting for the term of one, two or three years, as they shall deem advisable: Provided, That the amount to be raised for such public lighting in any one year shall not exceed the estimated cost or the actual cost, if already contracted for, of the public lighting for that year: Provided further, That the common council shall have the power to advertise for proposals, and contract for the removal, disposition and destruction of garbage and all animal and vegetable refuse for the term of one, two or three years, or for such term, not exceeding ten years, as they shall deem advisable; but the amount to be raised for any such purpose in any one year shall not exceed the estimated cost or the actual cost, if annually contracted for, for that year. (As amended by Act approved February 6, 1901.)

Tax for public lighting fund.

Proviso, as to amount to be raised.

Proviso relative to advertising for removal of garbage, etc.

(§ 235) Sec. 3. The common council shall also have power annually to levy, assess and collect taxes on the assessed value of all real and personal estate in each ward of said city, made taxable by the laws of this state, in order to defray the expenses, and for the purposes for which the district road fund is constituted as above: Provided, That such taxes shall not exceed in amount the rates of township, road or highway taxes as are now or hereafter established by the laws of this State.

Power to collect for District Road Fund limited

(§ 236) Sec. 4. The common council shall also have power annually to levy, assess and collect taxes, not exceeding two hundred thousand dollars, on the assessed value of all the real and

Tax for sewer fund, etc.

personal estate in said city, made taxable by the laws of this state, in order to defray the expenses of constructing sewers, and for the purpose for which the sewer fund is constituted as above. (As amended by Act approved July 1, 1889.)

Interest fund.

(§ 237) Section 5. The Common Council may annually levy, assess and collect on the assessed value of all real and personal estate of said city, made taxable by the laws of this State, taxes for the purposes of the interest fund, not exceeding in amount a sufficient sum to pay the interest accrued, or to accrue, on the funded debt of said city for the year for which such taxes are levied: Provided, That the Common Council may further provide in such annual tax levy for a sum sufficient to cover any deficiency which may have occurred or likely to occur, to this fund by reason of the non-payment of taxes, or from any other causes whatever. The Common Council shall have power to levy taxes for the purposes of the sinking fund as follows: When any bonds authorized to be issued shall have been sold and delivered, and the proceeds thereof paid into the City Treasury, there shall be raised by general taxation for the redemption of said bonds, during the term of said bonds, seventy-five per cent of the face value thereof, which amount shall be levied in equal annual installments: Provided, however, That this requirement shall not apply to any bonds issued prior to July first, one thousand nine hundred and one: Provided, further, That the amount to be raised for the redemption of the said bonds shall not exceed the sum of fifteen thousand dollars in any one year. (As amended by Act approved June 6, 1901.)

Provision for deficiencies.

Sinking fund.

Not to exceed $15,000 in any one year.

Special assessments to be part of paving fund.

(§ 238) Sec. 6. The proceeds of each special assessment levied for the grading or paving of any street or alley shall become part of the street paving fund, and be credited therein to

the account of the specific improvement for which the assessment was made; Provided, That the common council shall not, in any one year, enter into contracts for the grading and paving of streets, alleys and public places, the cost of which will exceed in the aggregate two hundred thousand dollars, except upon the petition of the holders of the larger portion of the real estate directly abutting upon the portions of the street or alley proposed to be improved. (As amended by Act No. 470. Approved July 1, 1889.)

Proviso.

Limitation of powers.

Sewer and building fund.

(§ 239) Section 7. The Common Council shall also have power, by and with the consent of the Board of Estimates, to provide for the public sewer fund for the construction of trunk or public sewers, and the public building fund, by borrowing upon the faith and credit of said city, and upon the best terms that can be made, such sums of money as shall be deemed necessary and expedient, and to issue the bonds of the city therefor in lieu of raising the same by taxation: Provided, however, That the gross debt of the city after deducting the means in the sinking fund of said city and not including the water debt shall never exceed two per cent of the assessed value of all the real and personal property in said city; and all bonds or other indebtedness issued or created in excess thereof shall be void. Bonds issued by authority of this section shall be respectively denominated "public sewer bonds" and "public building bonds," and shall mature in thirty years from date of issue, and bear interest at a rate not exceeding four per cent per annum. All bonds issued by the City of Detroit shall be exempt from city taxation, shall be issued under the seal of the corporation, signed by the Mayor and countersigned by the Controller, and except special assessment bonds which are by law otherwise provided for, shall be

Bonds to be issued therefor.

Gross debt of city not to exceed 2 per cent of assessed value.

How bonds to be denominated.

When to mature.

Rate of interest on bonds; Exempt from city tax; how signed and sealed.

for sums of not less than five hundred dollars each, and shall not be negotiated at less than their par value, and may be in registered or coupon form. The Controller shall keep an accurate record of all bonds and of the class of indebtedness to which they belong, the number, date and amount of each bond, its rate of interest, when and where the same is payable, and the person, persons, firm or corporation to whom it is issued. When the proceeds of the sale of any bonds shall have been paid into the City Treasury, the principal thereof shall be credited to the funds for which the bonds were issued, and be applied exclusively to the purposes for which said bonds are constituted, and the premiums and accrued interest received, if any, shall be credited to the sinking fund. When any issue of bonds is duly authorized by law, and the Controller shall have first advertised, in such manner as the Common Council shall direct, for sealed proposals for the purchase of the bonds about to be issued, and shall have received proposals for the purchase of such bonds, he shall report the bids to the Common Council. The Common Council having authorized the sale of such bonds, according to the proposals for the same, the Controller shall prepare such an amount of the issue only as may be ordered sold; it shall be his duty in the preparation of said bonds to cause to be written or printed upon the bond, on the outside fold of the same, so that the same may always be in plain sight, the following words, to be signed by the Treasurer of the city, and the bonds not to be valid without his signature: "This bond has been made and issued in compliance with law; has been duly registered in the books of this office, and the proceeds of the same, together with all the premiums on sale and interest accruing before delivery, have been paid into this office.

Controller to keep record of bonds.

To advertise for purchasers.

Bids for purchase of bonds to be reported to Council.

How bonds to be endorsed.

Form of endorsement.

"Detroit....., 19....

"....

"City Treasurer."

How bonds to be delivered.

After having caused said bonds to be duly executed and recorded in the books of his office, with all the particulars as required by the charter, he shall transmit the same, with the name of the purchaser, number, date, time and denomination of bonds, to the City Treasurer, taking his receipt for the same, and shall also report the entire transaction to the Common Council at its next succeeding session. It shall be the duty of the City Treasurer, on receipt of said bonds, to immediately notify the parties to whom the bonds have been awarded, that the same are ready for delivery, and deliver to said parties the bonds according to their accepted bids for the same, charging them with the premium, if any is included in the proposals, and the interest accrued on the bonds at the date of delivery, and further comply with this chapter by recording said bonds and signing the blank as aforesaid, and report to the Common Council, at its next following session, the full particulars of the delivery of the bonds, which report, together with the report of the Controller, heretofore mentioned, shall be referred to the Committee on Ways and Means, who shall compare the report of the Treasurer with that of the Controller, and report to the Council upon the correctness of the same, when they shall have found them to be correct.

How coupons are to be paid.

It shall be the duty of the City Treasurer, whenever coupons are presented at his office for payment, to first examine his coupon book to ascertain if the bond from which such coupon is cut has been regularly issued, and the proceeds thereof have been regularly paid into the Treasury, and if the payment of such interest is due. And if such be found to be the fact, he shall transmit said coupons, with the certificate of their correctness,

to the City Controller. It shall be the duty of the Controller upon the receipt of said coupons and certificate of the Treasurer, to examine the same, comparing them with records of bonds in his office, and previous payment of coupons, and, if found correct, issue his warrant on the Treasurer in payment of the same, whereupon he shall cause said coupons to be firmly pasted in a book prepared for such purpose, which book shall be so prepared and ruled, with spaces for each coupon, under a complete record of the bond from which said coupon is cut, together with the date of payment and the name of the party to whom payment is made, so that the said book will at all times properly and plainly display the complete record of the bond, and all payments of interest by the original coupon, date of each payment, and the name of the party to whom paid, and to which book or books the Controller shall make reference before the payment of any such coupon. On demand of the owner and holder of any coupon bonds heretofore or hereafter issued, there shall be issued in lieu thereof registered bonds of said city; the owner and holder asking for exchange of bonds may be required to pay a reasonable compensation to cover expenses of such exchange; the bonds so issued shall be of the same denomination or multiples thereof, bear the same rate of interest, and be payable at the same time, both as to interest and principal, as the coupon bonds for which they were exchanged; such coupon bonds when so exchanged shall be cancelled by the Controller and Treasurer, and their certificate of such cancellation be endorsed on the new bonds and the old bonds filed in the manner provided for bonds redeemed. A book shall be kept in each of the offices of the Controller and Treasurer, in which shall be entered the date, number, series, denomination, and owner of all registered bonds, and the number and series of the coupon bonds for which ex-

Registered bonds to be exchanged for coupon bonds.

Record of registered bonds.

changed, if any; the interest and principal of registered bonds shall, when due, be paid only to the order of the person, corporation or firm who appears by such books to be the owner thereof; such registered bonds may be transferred on such books, for which purpose there shall be printed forms on the back of said bonds, together with directions to be followed in the execution of such transfers, by the owner in person, or by a person authorized to do so by power of attorney duly executed or by the presentation of duly authenticated letters of administration; in such case the power of attorney or letters of administration shall be filed and carefully preserved in the office of the Controller. The exchange and registering of bonds required by this Act shall be transacted by the Mayor and Controller, and the Controller shall keep a registry for that purpose; but no bonds so issued in exchange for other bonds shall be of smaller denomination than one thousand dollars unless and to the extent that the bonds offered for exchange are themselves of smaller denomination than one thousand dollars. No bonds in lieu of a bond returned for cancellation shall be issued until the same shall have been registered as herein provided. (As amended by Act approved June 6, 1901.)

How registered bonds may be transferred

(§ 240) Sec. 8. No contract shall be let or entered into for the construction of any public work, or for any work to be done, or for the purchasing or furnishing of supplies for said city not herein provided for, and no such public work, performance, purchasing or supplying shall be commenced until approved by the common council, and until the contract therefor has been duly approved and confirmed by the common council, and a tax or assessment levied to defray the cost and expense of the same, and no such work, supplies and materials shall be paid for or

Contracts for public work, furnishing supplies, etc.

contracted to be paid for, except out of the proceeds of the tax or the assessment thus levied: Provided, however, That the public lighting may be contracted for and paid for in accordance with section two of this act: And provided further, That the removal, disposition or destruction of garbage may be contracted and paid for in accordance with the provisions of section two of this act. (As amended by Act approved June 17, 1889.)

Proviso.

Further proviso.

(§ 241) Sec. 9. No contract for the purchase of any real estate, or for the construction of any public building, sewer, paving, graveling, planking, macadamizing, or for the construction of any public work whatever, or for any work to be done, or for purchasing or furnishing any material, printing or supplies for said corporation, if the purchase of said real estate, or the expense of such construction, repairs, work, printing materials or supplies shall exceed two hundred dollars, shall be let or entered into except to and with the lowest responsible bidder, with adequate security: Provided, That in case of repairing paved streets, building and repairing crosswalks, culverts, intersections and sidewalks, the common council may cause the same to be done by the board of public works when so deemed advisable and ordered by a two-third vote of all the aldermen elect. And as to such work or material requiring mechanical skill, to and with practical mechanics, and as to such other work, supplies or materials not requiring mechanical skill, to and with such persons as shall be deemed competent for the performance of any such contract, and not until a notice calling for bids shall have been duly published in at least one daily paper published in said city, and for such period as the common council shall prescribe; and no bids shall be accepted from or contract awarded to any person who is in arrears to the corporation upon

Contracts to be let to lowest bidder, etc.

Proviso.

Work requiring mechanical skill.

debt or contract, or who is defaulter as security or otherwise upon any obligation to the corporation, or who shall in other respects be disqualified according to the provisions of this Act. (As amended by Act approved June 2, 1889.)

Evidence of debt, for what issued.

(§ 242) Sec. 10. No loan, bond, or other evidence of debt, not expressly authorized by this act, or any act hereby continued in force, shall be made or issued by the common council or any officer of the corporation: Provided, however, That the common council may issue new bonds for the refunding of bonds and evidences of debt already issued; and the proper officer of the corporation may draw and issue orders on the treasurer for the necessary and current expenses of the city.

Council not to borrow money unless expressly authorized.

(§ 243) Sec. 11. The common council shall not have authority, except as herein specially provided, to borrow any sums of money whatsoever on the credit of the corporation, but may authorize the controller to borrow, from time to time, on such credit, such sums as may be necessary to meet the expenditures under the appropriations for the current fiscal year.

New bonds, what to show and how issued.

(§ 244) Sec. 12. All new bonds, issued for the refunding of bonds and evidences of debt before issued, shall show the class of indebtedness to which they belong; be issued on the best terms that can be made; be regularly dated and numbered in the order of their issuance; shall be for sums not less than five hundred dollars each; shall be issued under the seal of the corporation, signed by the mayor, and countersigned by the controller. The controller shall keep an accurate record, showing the class of indebtedness to which they belong, the number, date and amount of each bond, its rate of interest, when and where the same is payable, and the person to whom it is issued, and show-

Controller to keep a record.

ing also what bonds or evidence of debt have thereby been refunded.

Bonds refunded to be cancelled.

(§ 245.) Sec. 13. All bonds and evidences of debt, when refunded, shall be cancelled and destroyed by the treasurer, in the presence of the controller and a special committee of the common council appointed for the purpose. He shall record and keep an accurate description of all bonds and evidences of debt thus cancelled and destroyed.

Bonds not issued according to this act void.

(§ 246.) Sec. 14. All bonds and evidences of debt issued, and all contracts made or entered into contrary to or not authorized by the provisions of this act, shall be absolutely void. The common council shall incur no expenses, and create or pay no debt or liability contrary to or not authorized by the provisions of this act, and shall not appropriate or use the property or moneys of the corporation, except as authorized by and in pursuance of law.

Illegal claims not to be allowed.

(§ 247.) Sec. 15. No claim or demand against the corporation shall be allowed or paid, or warrant on the treasury issued therefor, if the same be contrary to, or is not authorized by law, and no additional allowance beyond the legal claim under any contract with the corporation, or for any services on its account or in its employment, shall be allowed. No warrant on the treasury shall be drawn for any claim or demand for the payment of which there is no money in the treasury raised or received for such purpose, or after the fund constituted and raised therefor has been exhausted by warrants previously drawn thereon, or by appropriations, liabilities, debts and expenses actually made, incurred, or contracted for, and to be paid out of such fund.

Warrant not to be drawn unless there is money in the treasury.

No money to be paid out except upon warrant duly signed, etc.

(§ 248.) Sec. 16. No moneys shall be paid out of the treasury, except upon a warrant signed by the controller, and approved and authorized by the common council in pursuance of law. Such warrant shall specify the purpose for which the amount thereof is to be paid, with sufficient clearness to indicate the particular fund constituted or raised therefor, shall have endorsed thereon the name of the particular fund out of which it is payable, and shall be paid from the fund constituted for such purpose, and from no other.

Claims to be accompanied by affidavit.

(§ 249.) Sec. 17. No claim against the corporation shall be audited or paid unless accompanied by the affidavit of the claimant (if such affidavit be required by the controller), that the service, labor or materials upon which such claim is based have been actually rendered, performed or furnished; that said claim is justly due, and that no part thereof has been paid, except as to the credits, if any, set forth in the account thereof.

Drafts on funds limited.

(§ 250.) Sec. 18. The common council shall not, by warrant, draft, or order on the treasury, or by any form of contract, create any liability or expense, for the payment of which any particular fund is constituted as above, to a greater amount in the aggregate, for one year, than the amount of moneys raised for and paid into such fund for the year. All warrants, drafts, orders and contracts payable under this act, out of any particular fund, and issued or made after the moneys raised for and paid into such fund shall have been exhausted by payments therefrom, or liabilities created and to be paid out of said fund, shall be absolutely void as against the corporation.

No officers of city to be party to any contract

(§ 251.) Sec. 19. No contract or agreement, written or verbal, to which the corporation shall be a party, or to which

any officer or board thereof shall officially be a party, for the construction of any pavement, building, sewer or performance of any public work whatsoever, or contract or agreement, requiring the expenditure, receipt or disposition of money or property, by the corporation or any officer or board thereof, or creating any debt or liability, shall be let, or entered into, either directly or indirectly, with any member of the common council, or other officer of the corporation, either as principal or surety, and any such contract or agreement thus let or entered into shall be absolutely void. Before any contract to which the corporation shall be a party, or to which any officer or board thereof shall be a party, for the construction or repair of any pavement, sewer, building, or any other public work, shall be valid or binding upon the City of Detroit, there shall be endorsed thereon by the controller, a certificate that the money proposed to be expended under said contract is actually in the treasury or an appropriation made therefor; and it shall be unlawful for the controller to draw his warrant on account of any such contract not containing the certificate herein required. Provided, however, That such certificate shall not be required upon contracts for furnishing the city or any of its departments from time to time with printing, stationery, fuel, lumber and other miscellaneous supplies and material as the same may be required. (As amended by Act approved April 2, 1903.)

Contracts shall be endorsed by Controller.

Proviso.

(§ 252.) Sec. 20. No ordinance, resolution or proceeding of the common council imposing taxes or assessments, or requiring the payment, expenditure or disposition of money or property, or creating any debt or liability therefor, and no other ordinance shall be passed at the same meeting at which it was introduced, unless by unanimous consent, or at a special meeting

Passing ordinances, etc., requiring expenditures.

called therefor, and every such ordinance, resolution or proceeding shall be passed by yeas and nays, to be entered on the record. (As amended by Act approved June 2, 1887.)

Fiscal year.

(§ 253.) Sec. 21. The fiscal year of the city of Detroit shall commence on the first day of July, and expire on the thirtieth day of June, and shall not be subject to change by the common council of said city. During the month of July in each year, the controller shall submit to the board of aldermen a full, complete, and detailed statement, with tabular lists, of all moneys received and expended by the corporation for the preceding fiscal year, showing on what account they were received and expended, to what funds they were credited, and out of what funds they were paid, and classifying each receipt and expenditure under its appropriate head. In such statement he shall also give, by tabular lists and otherwise, such general information as may be necessary for an understanding of the pecuniary resources and liability of said city, and of the condition of each fund, and may make such recommendations concerning the same as the interests of said city may require. The board of aldermen may cause said statement to be published in the daily newspaper, published by the printer for said city, and in such other paper or papers as the board of aldermen may direct.

Controller to report in July full statement.

Council or Controller may require statements and accounts from officers, etc.

(§ 254.) Sec. 22. The common council and the controller, or either, may, at any time, require from the various officers and boards of the corporation, and it shall be their duty to furnish, when required, and in such form as shall be required, full and particular estimates, in detail, of the expenses of their offices or departments for the current or next ensuing fiscal year, and also full and particular accounts, in detail, of their expenses for any past year, or for any part thereof.

(§ 255.) Sec. 23. The common council shall have power to contract with any safe bank or banks, for the safe keeping of public moneys, and for the receipt of interest, at a rate not exceeding that established by law, upon such moneys of the corporation deposited with such bank or banks, and to be drawn on account current from such bank or banks, by the corporation or proper officer thereof, and such interest shall belong and be credited to the sinking fund.

Power to contract with bank for safe keeping of moneys.

Interest thereon to go to Sinking Fund.

(§ 256.) Sec. 24. The mayor, controller and chairman of the committee on ways and means of the common council shall constitute a committee for the negotiation of all loans authorized by this act, except as to any loans to be made by the controller under the authority of the common council, as above provided; and a majority of said committee shall have power to make such negotiation, subject to the approval of the common council. (As amended by Act approved June 2, 1887.)

By whom loans to be negotiated.

(§ 257.) Sec. 25. All taxes and moneys raised, received or appropriated for the purpose of any particular fund, shall be paid in and credited to such particular fund; and all taxes and moneys not raised, received or appropriated for the purpose of any particular fund, shall be paid into and credited to the general fund, or such other fund as the common council shall direct.

Taxes, to what fund credited.

(§ 258.) Sec. 26. The moneys belonging to the several funds of the corporation, and all taxes and moneys raised, received or appropriated for the purposes thereof, shall be applied to the purposes for which said funds are respectively constituted as above, and for which said taxes and moneys are raised, received or appropriated: Provided, however, That if for any cause there shall be, at the end of any fiscal year, a surplus in any other than the public building fund, the district road fund

Moneys, how applied.

Proviso.

for each ward, and the sinking fund, over and above the actual or estimated cost of any work for which the money of any fund was specially raised, such surplus shall be transferred and credited, by the treasurer, to said sinking fund, at the end of such fiscal year, whenever there shall not be sufficient moneys therein to pay the outstanding funded debt of said city.

Surplus funds to be credited to Sinking fund, when

Funds shall be kept distinct.

(§ 259.) Sec. 27. Moneys shall not be transferred from one fund to another except as hereinafter provided, and the moneys received and properly belonging to one fund, shall not be credited to any other or different fund, excepting to the sinking fund, as above provided. Moneys received from liquor taxes shall be credited to the contingent fund, metropolitan police fund, public health fund and poor fund, in such proportions as the common council shall direct. The controller, for convenience, shall have power to divide the several funds above constituted into special funds, to defray special expenses, belonging to the same class of expenses for the payment of which said several funds are above constituted.

Controller may divide funds for special expenses.

Common Council to borrow money for Board of Health.

The common council shall provide for the maintenance of the board of health of said city, and the payment of its expenses during the remainder of the fiscal year ending July first, eighteen hundred ninety-five, by borrowing by temporary loans such sums as may be certified to the common council by the said board to be necessary for the purposes aforesaid.

How temporary loan to be repaid.

Said temporary loan to be repaid from the moneys received during the present fiscal year from liquor taxes, or if such receipt be insufficient, then from any other moneys in the city treasury. No tax roll shall be held to be void, for the reason that an estimate of the amount of money necessary to be raised for any particular fund was not made by any officer, board or commission authorized or required by law to make an estimate

for such purpose, within the time specified by law for the making of such estimate, provided such estimate shall be transmitted to the common council in time for the same to be acted upon by the common council and board of estimates.

Health Board to have possession of city hospitals, etc.

The board of health of said city shall have control and possession of all city hospitals, buildings and offices pertaining to the health department of said city, and shall annually on or before the fifteenth day of February make an estimate of the amount of money necessary to be raised for the maintenance of said board and for the preservation of the public health for the ensuing fiscal year, which estimate shall be certified to the common council, and it shall be the duty of said council to cause the amount of money mentioned in said estimate to be placed upon the tax rolls and raised by general tax at the same time as other sums are raised by general taxation for the next fiscal year: Provided, that if the said estimate shall exceed fifty thousand dollars, only so much thereof in excess of fifty thousand dollars as shall be approved by the common council and board of estimates shall be levied in any one year.

And provided further, that the council may by transfer from the contingent fund as above mentioned provide for the amount of money required to be raised for the purposes of public health fund, or for any part thereof in lieu of raising the same by taxation. The city treasurer shall place to the credit of the board of health the sum of twelve thousand dollars for the maintenance of said board, for the remainder of the fiscal year ending June thirtieth, eighteen hundred ninety-five, and for the payment of any existing outstanding liabilities, by transfer to the public health fund from any other funds in the city treasury, and the same shall be paid out on the checks of the board of health in the manner now provided by law for payment from the public health fund.

$12,000 placed to credit of Board of Health.

The common council may replace the moneys so transferred by temporary loan to be repaid from liquor taxes paid in to the credit of the contingent fund. (As amended by Act approved March 15, 1895.)

Board of Commissioners of sinking fund.

(§ 260.) Sec. 28. The mayor, controller, treasurer and committee on ways and means of the common council and their successors in office, by virtue of their offices, shall be a board of commissioners of the Detroit city sinking fund.

Powers and duties of.

They shall from time to time, upon the best terms they can make, purchase or pay the outstanding debt of said city, or such part thereof as they may be able to purchase or pay, until the same be fully purchased or paid; and all bonds and evidences of debts thus purchased or paid shall be delivered to the treasurer, and shall become and be the property of the commissioners of the sinking fund, and the interest thereon shall be credited and belong to the sinking fund.

Endorsement upon bonds purchased by Board, etc.

The city treasurer shall endorse upon the back of all bonds so purchased by the commissioners of the Detroit sinking fund, for the benefit of that fund, the following, viz.: "Registered bonds, not transferable without the written consent of the mayor, controller and city treasurer endorsed thereon;" and whenever they cannot arrange for the purchasing or paying the said debt, or any part thereof, they shall temporarily and until they can so arrange, invest the moneys belonging to said sinking fund in such securities, bearing interest, as they deem safe and advisable.

Report of

Said commissioners shall, from time to time, and whenever requested by the common council, make report of their doings, which report shall be made to the common council, referred to and filed with the controller, and recorded by him in some proper book to be provided for that purpose. (As amended by Act approved June 2, 1887.)

Meetings of Board, etc.

(§ 261.) Sec. 29. Said board of commissioners of the sinking fund shall be a board of the corporation, within the meaning of this act, and shall be subject to the provisions of any existing or future ordinances of said city, relative to the sinking fund. They shall meet, from time to time, for the transaction of business, and may adopt rules of proceeding at their meetings. A majority of the whole board shall be a quorum for the transaction of business, but they shall not purchase in or pay the outstanding funded debt of said city, or invest any of the moneys belonging to the sinking fund, as above provided, except under a resolution for such purpose, passed and approved by a vote of a majority of the whole board, and by yeas and nays, to be entered of record. The mayor, or in case of his absence, some member, to be appointed by those present, shall preside at their meetings. They shall appoint one of their members Secretary of the board, whose duty it shall be to keep a true record of its doings.

Who to preside.

Secretary, his duty.

Treasurer to have custody of all moneys, etc.

(§ 262.) Sec. 30. The treasurer shall have the custody of all moneys, securities and evidences of value belonging or pertaining to the sinking fund, and shall pay out the moneys of said fund only by order of the commissioners, or a majority thereof, and upon the warrant of the controller.

Pledge for payment of money borrowed.

(§ 263.) Sec. 31. The faith and property of the city of Detroit shall remain pledged for the final payment of all bonds issued, and of all moneys borrowed by authority of, and in accordance with this or any other act of the legislature of this State.

Officers converting money, etc., to be guilty of malfeasance in office.

(§ 264.) Sec. 32. If any officer of the corporation shall, directly or indirectly, appropriate or convert any of the moneys, securities, or evidences of value, or any property whatsoever,

belonging to the corporation, or any board thereof, to his own use, or shall directly or indirectly, and knowingly, appropriate or convert the same to any other purpose than that for which such moneys, securities, evidences of value, or property may have been appropriated, raised or received, or to any purpose not authorized by law, he shall be deemed guilty of willful and corrupt malfeasance in office, and may be prosecuted, tried and convicted therefor, and on conviction, may be punished by a fine not exceeding one thousand dollars, and imprisonment in the State Prison, or Detroit House of Correction, not exceeding three years, or either, in the discretion of the court.

Punishment.

Common Council to order grading and paving of streets, etc., and may cause such improvement to be made by Board of Public Works.

(§ 265.) Sec. 33. Whenever the common council shall order any street or any portion thereof, to be graded, or graded and paved, or repaved, it may enter into contract for the making of such improvement according to the provisions of this charter, or cause such improvement to be made by the board of public works when so deemed advisable, and after the cost and expense thereof has been ascertained, it shall cause the same, except the cost of repaving, the cost of crosswalks and of the work at the intersections of cross streets, to be assessed upon the lots and real estate herein made subject to such assessment as hereafter provided. In case of all work for paving or repaving, the work to be performed shall be commenced and completed between the first day of May and the first day of November in each year. Provided, that when such paving shall not be completed at such time by reason of inclement weather, or other good cause, and from no fault of the contractor, the common council may extend the time for its completion: Provided further, that whenever the common council shall order the curbing or re-curbing of any street, such curbing or re-curbing shall

Paving to be commenced and completed between May and November.

Curbing and Re-curbing to be done by Board of Public Works under per diem system.

be done by the board of public works, and all dressing and cutting of stone and other labor to be performed shall be done by citizens of the city of Detroit under the per diem system. (As amended by Act approved May 25, 1899.)

Labor to be performed by citizens of Detroit.

(§ 266.) Sec. 34. For the purpose of such assessment, the lots and parcels of real estate situated on said street, and fronting the portion thereof ordered to be improved, shall constitute one local assessment district, unless the common council, with a view to make the assessment more equal and just, shall subdivide the same into two or more assessment districts. Such subdivision, if made, must be done before asking bids for the work; and in no case shall a city block be divided in making such division. The work for such local assessment district shall be bid for and let separately, and such bidding and letting shall show:

Assessment districts.

Bidding for and letting contracts.

First, The cost of all paving and grading, except that of the intersection of the cross-streets and alleys, the cost of the crosswalks at such intersections, and the cost of repaving;

Second, The cost of the grading and paving of each portion of the street included within the lines of intersection of any cross-street and alleys;

Third, The cost of the crosswalks at such intersections: Provided, That in case where a side street merely opens upon and does not extend across the street to be paved, the space formed by extending the lines of the former street to the middle of the latter street shall, for the purposes of this act, be treated as the spaces formed by the intersection of cross-streets. All necessary platforms and curbings shall, for the purpose of such assessment, be deemed to be included within the term paving. (As amended by Act approved June 24, 1887.)

Proviso.

Platforms and curbing to be included.

Assessments to be made ratably according to frontage.

(§ 267.) Sec. 35. The cost and expense of such improvement, except so much thereof as shall be for the work within the lines of intersection of cross-streets and alleys, and for the crosswalks at such intersections, and for re-paving streets, avenues and highways, shall be assessed ratably, according to their extent of front on the lot, parts of lots, or parcels of real estate directly fronting on and within the local assessment district; Provided, That if the assessment made on any such lot, or other parcel of land shall, by reason of its triangular or other irregular shape, seem to the common council to be inequitable, said council may direct a just portion of such assessment to be paid from the general road fund. The cost of the work within the lines of the intersection of cross streets, and also the cost of the cross-walks, shall be paid out of the general road fund. The cost of all re-paving of streets, avenues and highways of the city shall be paid out of the re-paving fund. The word "front," as used in this act, shall be construed to mean that part of the lot or other parcel of land which directly abuts on that part of the street to be improved. (As amended by Act approved June 24, 1887.)

Proviso.

Lots irregular in form, how paid.

Costs of intersections paid out of General Road Fund.

Assessment of land not platted.

(§ 268.) Sec. 36. Whenever in the improvement of a street as aforesaid, any land or real estate which has not been duly platted into city blocks, or lots, shall be required to be assessed to pay any part of the cost of such improvement, the council shall designate such part or parts thereof for such assessments as shall correspond as near as practicable to the portion of the block or blocks nearest adjacent thereto, subject to like assessment, and the part or parts so designated shall be assessed as near as may be, in the manner herein provided for the assessment of lots.

(§ 269.) Sec. 37. The board of assessors shall, when necessary, proceed to make out a list of all the lots or parcels of real estate, constituting a local assessment district as aforesaid, with the name of the owner or occupant of each lot or parcel of real estate, so far as said board can ascertain the same, and also the length of front of each lot or parcel of real estate fronting directly on such improvement. Such board shall then assess the cost and expenses of the work, chargeable as aforesaid upon the property in said list, ratably upon the several lots and parcels of real estate, according to the length of front thereof. When the assessment roll is thus completed, said board shall give notice, by at least five publications in the city paper, that such roll is completed, and will remain in their office for twelve days from the first publication of said notice, for the inspection of all concerned. At the expiration of said twelve days, said board shall, after any needful revision and correction of such roll, sign the same and report it to the common council. Said council may then confirm the same, or may, when it shall deem necessary, refer the same back to said board for further revision or corrections. And when the same shall be corrected to the satisfaction of said council, it shall, by resolution, confirm the same. After such confirmation, such assessment shall constitute a lien, until paid, upon said lots or parcels of real estate, and shall be collected in such manner as may be authorized by law.

Assessors to make list of land to be assessed and name of owner.

Notice of completion of rolls

Report of rolls to council.

Assessment a lien.

(§ 270.) Sec. 38. When unperformed contracts for grading and paving, hitherto made, are still in force, it shall be lawful for the common council, with the consent of the contractors, to ascertain and apportion the proper cost under the contract of grading and paving the spaces at intersecting cross streets and alleys, and also the cost of crosswalks, and to pay for the same

Determining cost of paving intersections.

To be paid out of General Road Fund.

out of the general road fund, and to cause the residue of the cost of the work to be assessed on the adjacent property, and collected in the manner heretofore provided in this act.

Paving alleys.

(§ 271.) Sec. 39. The common council may make such ordinances for the paving of or otherwise improving alleys in said city, and assessing property adjoining the same for paying for such improvement, as by said common council shall be deemed expedient, and the present ordinances on that subject are hereby validated and continued in force, with the same effect as if passed under this section, till the same shall be repealed or altered by the said common council

Tax for Entertainment.

(§ 272.) Sec. 40. The common council shall have power to annually levy, assess and collect on the assessed value of all real and personal estate in said city, made taxable by the laws of this State, a sum not exceeding two thousand dollars, for the purpose of defraying the costs and expenses of receptions, entertainments and celebrations to be expended from time to time therefor in such manner as the common council shall by resolution direct: Provided, That for the fiscal year beginning July first, nineteen hundred one, the council shall have power to levy, assess and collect, in the manner and for the purposes hereinbefore indicated, a sum not exceeding twenty-seven thousand dollars. (As amended by Act approved March 28, 1901.)

Fund.

Proviso, allowing assessment of $27,000 for fund for fiscal year 1901.

This act not to affect other Boards, Commissions, etc.

(§ 273.) Sec. 41. This act shall not invalidate any legal act done by the common council, or any board or officer of said city, or change or affect the present term of any officer or board or commission of said city, and all ordinances, resolutions and proceedings of the common council or any board of said city now in force and not inconsistent with this act, shall remain in full

force until altered, amended or repealed under this act, nor shall this act invalidate any act or law governing the several boards and commissions of said city or any law not in conflict herewith.

Paving bonds may be issued.

(§ 274.) Sec. 42. The common council, in addition to the powers hereinbefore granted, shall have power and it shall be their duty, to issue bonds upon the faith and credit of the city for the entire cost of paving any street, or the paving or repaving of any alley in said city, or the construction of any lateral sewer, as estimated and assessed whenever the common council shall have ordered the paving of said street or the paving or repaving of any alley or the construction of such lateral sewer, and the assessments for the cost thereof shall have been duly made according to law, and the faith and credit of the city shall be pledged for the payment of the principal and interest of said bonds. Said bonds or the proceeds thereof, should they be purchased by the sinking fund commissioners, shall be delivered to the contractor within thirty days after his completion of the pavement of said street, or the pavement or re-pavement of said alley, or the construction of said lateral sewer according to specifications and its acceptance by the Department of Public Works, and the common council. (As amended by Act approved June 6, 1901.)

When bonds to be delivered to contractor.

How bonds to be denominated.

(§ 275.) Sec. 43. Said bonds shall be denominated "street" or "alley paving bonds," or 'lateral sewer bonds," and shall bear the name of the street or alley or the number of the lateral sewer for paving or re-paving, or construction of lateral sewer, for which they are issued. One-quarter thereof shall be payable in one year, one-quarter in two years, one-quarter in three years, one-quarter in four years, from the date of their issue. They

How bonds to be payable.

shall bear interest at a rate not exceeding four per cent per annum, payable annually. They shall be regularly dated and numbered in the order of their issue, and shall be issued under the seal of the corporation, signed by the mayor and countersigned by the controller. The controller shall keep an accurate record of such bonds, the number, date and amount of each, and the person or persons in whose name registered, and all transfers thereof. (As amended by Act approved June 6, 1901.)

How bonds to be dated, numbered and issued.

Controller to keep account of bonds.

Assessment Rolls to be made in four parts.

(§ 276.) Sec. 44. The assessment roll provided for in section thirty-seven of this chapter shall be made by the board of assessors in four parts, each part to contain a list of the lots or parcels mentioned in said section, with the names of the owners or occupants of each lot or parcel, and one-quarter of the assessment for the cost and expense of the work shall be assessed upon each lot or parcel. Such parts of the assessment roll shall be numbered one, two, three and four respectively. After said assessment shall have been confirmed, and the roll delivered to the receiver of taxes, he shall cause notice of said assessment to be printed in two of the newspapers published in said city once in each week for three successive weeks, and part one of said assessment shall become due and payable, in thirty days from the first publication of said notice, and parts two, three and four, shall become due and payable in one, two and three years, respectively, from the date of said first publication. Any person may pay the amount of the assessment in parts one, two, three and four, or either of them, at any time, within thirty days from said date of said publication without interest, but if the same shall not be paid within said thirty days then the said parts remaining unpaid shall be payable, with interest at the rate of seven per cent. from the date of confirmation of said

When assessments may be paid.

assessment, until the same shall be paid. If the amount mentioned in part one shall not be paid within said thirty days, a penalty of five per cent. in addition to the interest shall be added thereto, and a like penalty of five per cent., in addition to said interest, shall be added to each of the other parts if not paid when the same shall become due as aforesaid. Assessment rolls made under the laws of this state for assessments to defray the expense of the taking of any property or damages to any property taken for the public use, for the opening and extending of highways, or for other public purposes, or for damages to any property occasioned by any public improvement of any kind, shall be made in one or more parts as the common council may direct, and shall become due and payable at such time as the common council shall by resolution provide, and like interest shall be added thereto, and like penalties in case of non-payment shall be imposed and added thereto in the same manner as is herein provided for assessments for street paving, and such interest and penalties shall be payable and be collected with the part or parts to which the same may be added. Assessments heretofore made shall be collected as provided by the laws in force at the time of the enactment hereof. The interest and penalties herein provided to be paid shall be credited to the fund for which the assessment is made. The board of public works may, with the approval of the common council, contract with the lowest responsible bidder for a period of not exceeding five years, for the repairing and care of the asphalt pavements, according to specifications adopted by said board for that purpose, and in all contracts for paving may provide that the contractor shall keep the pavement in good repair for such period as may be specified in the contract. Contracts for repaving may be made at any time after the common council and board of

Penalty for Non-payment.

Assessment Rolls for opening highways, etc., to be made in one or more parts.

Board of Public Works may contract for repairs of asphalt pavements.

Contracts for repairing may be made after Common Council and Board of Estimates have determined amount of money to be raised.

estimates have determined the amount of money which shall be raised for the next fiscal year; such work to be paid for from the tax for the repaving fund of the next fiscal year or from moneys which may be borrowed in anticipation of the collection of such tax. (As amended by act approved June 2, 1897.)

Street Paving Sinking Fund

(§ 277.) Sec. 45. The common council shall by ordinance provide that a sinking fund shall be created for the payment of the bonds issued for street paving, as hereinbefore provided, into which sinking fund shall be paid, from time to time as collected, the proceeds of the assessments for street paving, in such manner that said bonds shall be paid at maturity out of the proceeds of such assessments. (As amended by Act approved June 2, 1887.)

Plank road companies to be assessed for street openings.

(§ 278.) Sec. 46. Whenever the common council shall determine to grade, or grade and pave, or repave any street within the city of Detroit, if any incorporated plank or gravel road company shall have acquired a right to construct and maintain a plank or gravel road over any part of the street so to be improved, and over which part of the street such corporation is in the habit of charging and taking toll for travel, the board of assessors shall, unless otherwise ordered by the common council, assess such corporation so much of such cost and expense as in the judgment of said board shall be just; such assessment shall be made according to the benefits which such corporation will receive by reason of the making of such improvements, but shall not in any case exceed such bruefits nor shall it exceed the due proportion of the cost and expense considering the benefits to be derived by the holders and owners of other property if any, liable to assessment for said improvement. Such assessment shall be entered upon an

Assessment according to benefits.

assessment roll, and shall be subject to review and revision by the board of assessors, as provided in relation to other special assessments. After the completion and confirmation of such assessment roll, such assessment shall constitute a lien until paid upon all property, rights and franchises of such corporation, and may be collected in the same manner that other like assessments are collected, and such assessment shall at once become a debt from such corporation to the city, and shall become due at the same time or times, and in like proportions at each time as assessments provided by law for paving. The city may maintain an action of assumpsit to recover such installment thereof, as it becomes due. Upon the trial of any such action the assessment roll or rolls shall be prima facie evidence of the right of the city to recover the amount of such assessment, and all the proceedings relating thereto shall be presumed to be valid until the contrary is shown. The remainder of the cost and expense out of such improvement, after deducting the amount assessed against such corporation, shall be assessed and collected by special assessment or paid, by general taxation, as the case may require, as elsewhere provided in this act. (This section was added to chapter 11 by Act approved May 28, 1895.)

Assessment shall constitute a lien

City may sue.

(§ 279.) Sec. 47. No action shall be brought against said city nor any of its boards, commissions or officers, for any negligent injury unless it be commenced within one year from the time when the injury was received, nor unless notice shall be given in writing within three months from the time of such injury to the head of the law department or to his chief assistant of the time, place and cause of such injury, and of the nature thereof. The provisions of this section shall not be a bar to a suit for any injury for which there is now a lawful cause

Actions against the city to be commenced within one year.

of action, but for every such injury suit shall be commenced within six months from the time when this action shall take effect. (Added to chapter 11 by Act approved June 1, 1895.)

[This section was erroneously numbered 46 by the legislature. No. 46 was added by Act approved May 28, 1895.]—Compiler's note.

CHAPTER XII.

RECORDER'S COURT.

(§ 280.) Section 1. The office of recorder and the recorder's court of the city of Detroit shall continue as heretofore created and established, except as herein otherwise provided. The present recorder and associate judge of said court shall respectively continue in office until January ninth, eighteen hundred and ninety-four. (As amended by Act approved May 27, 1893.)

Recorder's court continued.

Recorder and Associate to continue until January 9, 1894.

(§ 281.) Sec. 2. On and after January ninth, eighteen hundred and ninety-four, there shall be two judges of said court, one of whom shall be the recorder elected at the election held April third, eighteen hundred and ninety-three, who shall have equal and co-ordinate powers and duties. One of said judges shall constitute a quorum for the transaction of business. They shall have the power and it shall be their duty to apportion between themselves the business of the court; Provided, however, That all business pending in said court on the ninth day of January, eighteen hundred and ninety-four, shall be apportioned by said judges so that said business shall, as near as may be, be equally divided between them. The said assignment and apportionment of causes and business shall not afterwards be changed except by the order of said judges upon motion made, or for good cause shown; Provided, further, That said judges may sit in place of each other whenever it may be deemed best. Whenever any

Two Judges of Recorder's Court.

Powers.

Business to be apportioned.

cause, matter, or proceeding, or any motion, application or other business shall be assigned to either of said judges, a journal entry thereof shall be made by the clerk of the court, and the said judge shall proceed to hear, try and dispose of the business so assigned to him, with the same force and effect as if he were the only judge of said court, and subject to and with the power and authority conferred by all the rules of practice and of law applicable to said court. And thereupon said judge may proceed with the trial or hearing, or other business so assigned to him, in the principal court room, or in a separate room, attended by the clerk or one of his deputies, and by one or more members of the metropolitan police of said city, by a stenographer, and by jurymen not engaged in the trial of other causes, if it be a cause to be tried by jury, and such judge while so sitting for the transaction of business, shall have the same powers and authority as if he were the only judge of said court, and the proceedings shall be regarded as proceedings of said court had in open court and at a session thereof. No stay of proceedings shall be directed or ordered by either of said judges in any cause or proceeding, except when the order or decree under which the proceedings are sought to be stayed shall have been made by such judge, unless the order staying proceedings be entered in open court when both judges are present; and no order, except orders made in chambers, and then only by the judge making the same, shall be set aside or vacated except in open court; and no judge of said court shall review or revise any order, judgment, sentence or act of any other judge of said court, involving the personal discretion, judgment or opinion of such other judge. (As amended by Act approved May 27, 1893.)

Stay of proceedings only by judge making order.

(§ 282.) Sec. 3. A record of the proceedings before each of the judges shall be entered in the journal in the usual manner,

Record of proceedings.

the same as though the judges were sitting together, a brief memorandum being entered before or opposite each entry of the particular judge before whom the business is transacted, and the said record shall be verified by the signature of the recorder, or in his absence by the judge present at the reading and correction thereof; and it shall be the duty of both judges to attend at the reading and correction of said record. Whenever the signature of a judge of the court shall be required to any bill of exceptions, case made, order, decree, or other evidence of proceeding, or for the approval or verification of any act, the signature of the judge or judges before whom the proceedings were had shall be deemed sufficient. (As amended by Act approved May 27, 1893.)

Signing of bills of exceptions, orders, etc.

(§ 283.) Sec. 4. The recorder elected on April third, A. D., eighteen hundred and ninety-three, shall be one of the judges of the recorder's court of the city of Detroit, and shall hold said office of recorder for the term of six years from and after January ninth, eighteen hundred and ninety-four, and until his successor shall be duly elected and qualified. The additional judge provided for by this act shall be elected at the election which shall be held in said city, on the seventh day of November, A. D., eighteen hundred and ninety-three, and the person so elected shall take his office on the ninth day of January, eighteen hundred and ninety-four, and shall hold the same for the term of six years from and after January ninth, eighteen hundred and ninety-four, and until his successor shall be duly elected and qualified. Notice of the election of the recorder and additional judge shall be given by the clerk of said city in the manner prescribed by law in the case of the election of city officers, and the provisions of law relative to holding elections of city officers in said city,

Recorder elected April 3, 1893.

Additional Judge elected Nov. 7, 1893

Notice of election.

canvassing the votes and making the returns thereof, so far as applicable, shall apply to such election. One of the judges of the circuit court for the county of Wayne, and one of the justices of the supreme court of this State, may act as judge of said recorder's court when requested to do so by said judges, or one of them, or when the offices of both judges shall be vacant. On the first Monday in April next preceding the expiration of the terms of office of said recorder and judge, their successors shall be elected in the same manner as that herein prescribed for the election of said judges. (As amended by Act approved May 27, 1893.)

Circuit and Supreme Court Judges may act as Judge.

Successors of Recorder and Judges, elected

Vacancy, how filled.

(§ 284.) Sec. 5. It shall be the duty of the common council of the city of Detroit, to cause an election to be held to fill any vacancy in the office of recorder or judge of said court, in the same manner as is provided for filling a vacancy in the office of mayor of said city, and whenever the recorder or judge shall tender his resignation to the common council, to take effect at some future day and the same shall have been accepted, said common council may cause an election to fill the expected vacancy, which may be held between the time of said acceptance of resignation and the day when it is to take effect; Provided, That not less than ten days' notice of such election shall be given; or such expected vacancy may be filled at any regular election occurring within thirty days after such acceptance of resignation, if said common council so order; and such recorder or judge elect shall assume the duties of the office at the time said resignation takes effect, or as soon thereafter as he is elected and qualifies. (As amended by Act approved May 27, 1893.)

Notice of election to fill vacancy.

Salaries.

(§ 285.) Sec. 6. Each of said judges shall receive from the treasury of the State of Michigan the same annual salary as may be payable to circuit judges. They shall also each receive from the treasury of the city of Detroit such additional salary as shall be sufficient, with the sum so received from the State, to make the salary of each of said judges five thousand dollars. (As amended by Act approved May 27, 1893.)

Clerk and deputies.

(§ 286.) Sec. 7. There shall be a clerk and two deputy clerks of said court, who shall be appointed by the recorder, and a memorandum of such appointments shall be entered upon the records of said court. Such clerk and deputy clerks shall hold their respective offices for the term of six years from and after January sixteenth, eighteen hundred and ninety-four, and until their successors are duly appointed and qualified. The common council of said city shall have the power, and it shall be their duty whenever the business of the court so requires, to provide by ordinance for additional deputy clerks and assistants. They shall prescribe in said ordinance the terms of office, compensation and amount of bond required of such additional deputy clerks and assistants. The recorder shall appoint the additional clerks and assistants authorized by said ordinance in the same manner as is provided for the appointment of the clerk. The recorder shall have power at any time to remove such clerk, deputy clerks, and assistants for incompetence or serious neglect in the performance of their duties; and in case of such removal or of a vacancy in the said office by the death of said clerk, deputy clerks, or assistants or otherwise, the said recorder shall fill the unexpired term by a new appointment. (Amended by Act approved May 27, 1893.)

Bond of clerk and deputies.

(§ 287.) Sec. 8. The clerk and deputy clerks of said court each, before entering upon the duties of his office shall give a bond to the people of the State of Michigan, to be approved by the recorder, for the faithful discharge of the duties of said office. The clerk shall give a bond in the sum of ten thousand dollars; deputy clerks each in the sum of five thousand dollars. The condition of such bond shall be in substance as follows: Whereas, the above bounden ..... is the ..... of the recorder's court of the city of Detroit; now, therefore, the condition of the said obligation is such, that if said ..... shall faithfully, truly and impartially enter and record all orders, decrees, judgments and proceedings of the said court, and faithfully and impartially perform all other duties of his said office, and pay over all moneys that may have come into his hands as such ....., and shall deliver to his successor in office all the books, records, papers, seals and other things belonging to the said office, then the above obligation to be void, otherwise to remain in full effect. (As amended by Act approved May 27, 1893.)

Clerk to keep record.

(§ 288.) Sec. 9. It shall be the duty of said clerk to keep a true record of the proceedings of said court, in the proper books, to be provided therefor; to enter and record all orders, decrees, and judgments, and file and safely keep all books and papers belonging to or pertaining to said court. He shall sign and seal all writs and process issuing from said court, and shall have power generally to administer oaths and take affidavits and acknowledgments, and to do all acts authorized by law to be done by clerks of circuit courts of this state, so far as the same may be applicable. He shall receive all fines and costs imposed by said court, and within a reasonable time pay the same to the

Powers and duties of Clerk

county treasurer of Wayne county and take a receipt therefor, except such fines and costs as may be imposed for violations of city ordinances, which shall be received by the city attorney and by him paid to the city treasurer. He shall receive a salary of three thousand dollars per annum, which shall be payable out of the treasury of said city. (As amended by Act approved May 24, 1893.)

Powers of Deputies.

(§ 289.) Sec. 10. The deputy clerks of said court shall have the same powers as are given to the clerk thereof, and they shall each receive such salary, not exceeding two thousand dollars, and not less than fifteen hundred dollars, as shall be voted them by the common council of the city of Detroit, which shall be payable out of the treasury of said city. (As amended by Act approved May 27, 1893.)

Jurisdiction of Court.

(§ 290.) Sec. 11. The said recorder's court shall have original and exclusive jurisdiction of all prosecutions and proceedings in behalf of the people of this state, for crimes, misdemeanors, and offenses arising under the laws of this state, and committed within the corporate limits of the city of Detroit, except in cases cognizable by the police court of the city of Detroit, or by the justices of the peace of said city; and shall have power to issue all lawful writs and process, and to do all lawful acts which may be necessary and proper to carry into complete effect the powers and jurisdiction given by this act, and especially to issue all writs and process, and to do all acts which the circuit courts of this state, within their respective jurisdictions may, in like cases, issue and do by the laws of this state; Provided, That this section shall not be construed to prevent the grand jury for the county of Wayne from inquiring into and presenting indictments, as heretofore, for crimes and offenses committed within the limits of said city.

Indictments, etc.

(§ 291.) Sec. 12. All indictments for offenses committed within the limits of the city of Detroit, which may be found and presented to the circuit court for the county of Wayne, by the grand jury of said county, shall be forthwith certified and transmitted by the clerk of said circuit court to said recorder's court, and thereupon said recorder's court shall have as full and complete jurisdiction of said indictments as if the same had been originally presented to said recorder's court, and shall have full power to take all further proceedings thereon.

Prosecutions.

(§ 292.) Sec. 13. Except as provided in the preceding section, prosecutions in the recorder's court for crimes, misdemeanors, and offenses arising under the laws of this state, and within the jurisdiction of said court, shall be by information as provided for in chapter two hundred and sixty-one of the compiled laws of 1871; Provided, That in all cases where an information shall be filed against any person held for trial before said court, it shall not be necessary that said information be verified by oath.

Proviso.

Power to let to bail

(§ 293.) Sec. 14. Said recorder's court, the clerk, and either judge thereof, only, shall have power to let to bail any prisoner or person charged with bailable crime, misdemeanor or offense, or who is detained as a witness in default of bail, of which the said recorder's court shall for any purpose have jurisdiction: Provided, That in cases where the clerk takes bail, the amount of the recognizance and the number of the sureties required, shall be the same as that fixed by the committing magistrate, or said recorder's court, or either judge thereof. Said recorder's court shall have full jurisdiction on and authority to control and enforce all recognizances lawfully taken by said court, or by the

Power to enforce recognizances.

judge or clerk thereof, or by any other court, judge or magistrate, in the course of any prosecution or proceeding pending in said court, or lawfully taken by any court, judge or magistrate, to compel any person or persons to appear before said recorder's court, and there to answer and do according to the terms thereof; and whenever default shall be made in any such recognizance, such default shall be duly entered of record in said recorder's court, and thereafter said court shall, upon motion of the prosecuting or city attorney, summarily enter judgment against all parties liable on said recognizance for the full amount thereof; Provided, however, That any person against whom such judgment may have been entered shall have the right to apply to the court within twenty days after the rendition of such judgment for the vacation of the same for good and sufficient cause shown; and said court may, in its discretion, vacate such judgment on such terms as it may deem just. Execution shall be awarded and executed upon said judgment, in like manner as is provided in personal action. (As amended by Act approved May 27, 1893.)

Form of recognizance.

(§ 294.) Sec. 15. Any such recognizance as is mentioned in the preceding section may be in the usual form, or may contain a further clause, authorizing said recorder's court, upon default in said recognizance, summarily to enter judgment upon the same, against the several parties liable thereon, for the full amount of such recognizance.

Prosecuting Attorney or Assistant to appear in all state cases and render account for moneys, etc

(§ 295.) Sec. 16. The prosecuting attorney for the county of Wayne, or his assistant, shall appear and act for the people of the state of Michigan, in said recorder's court, in all cases arising under the laws of this state, and he shall render to said

court, in writing, and on oath, at the last term thereof in each year, an annual account of all moneys collected or received by him as the prosecuting officer of said court.

Power to grant habeas corpus.

(§ 296.) Sec. 17. The judge of said recorder's court shall possess the same power to grant writs of habeas corpus, returnable before himself, and to adjudicate thereon, and do all acts in vacation touching any suit or proceeding in said court, as is now, or may be possessed by the judges of the circuit courts of the state, in matters before said circuit courts.

Judges to have like powers as Circuit Judges at chambers.

(§ 297.) Sec. 18. The judges of the recorder's court shall each have all such powers and authority at chambers touching any suits or proceedings in said recorder's court, as the judges of the circuit courts now or may have in like suits or proceedings before said circuit courts. Whenever it shall appear that upon the trial of any cause, evidence of licentious, lascivious, degrading, or peculiarly immoral acts or conduct will probably be given, the judge presiding at such trial may, in his discretion, require and cause every person, except those necessarily in attendance thereof, to retire and absent himself or herself from the court during such trial, or any portion thereof. And no person under the age of sixteen years shall be permitted at any time to remain in the court room during the trial of any cause, or portion thereof, unless such person is accompanied by one of its parents or guardians, or is required by law or the process of the court to be present or in attendance thereon. (As amended by Act approved May 27, 1893.)

Persons may be excluded from court room.

Rules and regulations, how made.

(§ 298.) Sec. 19. The said recorder's court shall have power to make rules for regulating the practice, and conducting the business thereof, and to alter, amend, or repeal the same in its discretion.

Court of Record, Seal, etc.

(§ 299.) Sec. 20. Said recorder's court shall be a court of record, and have a seal, which it shall devise, and a description thereof, attested by the clerk of said court, shall be deposited in the office of the controller.

Writs, etc., to whom issued and how served

(§ 300.) Sec. 21. All writs and process, issuing from said recorder's court, on complaints under the city ordinances, or for offenses under this act, shall be directed to the superintendent or any member of the metropolitan police of said city, and may be served and executed by the officers to whom the same are directed, at any place within the limits of this State; and all writs and process, for offenses under the general laws of the State, shall be directed to the sheriff of the county of Wayne, or the superintendent or any member of the metropolitan police of said city, and all writs and process shall run "In the name of the people of the State of Michigan," be sealed with the seal of the court, signed by the clerk of said court, dated on the day on which the same may issue, and tested in the name of the recorder of said city.

Recorder's Court shall have exclusive cognizance of all prosecutions under ordinances.

Complaints to be filed with Clerk.

(§ 301.) Sec. 22. Said recorder's court shall have exclusive cognizance of all prosecutions for offenses arising under this act, or any ordinance or regulation of the common council. All such prosecutions shall be commenced by filing with the clerk of said court a complaint, in writing, in the form of an affidavit, duly sworn to before said clerk, and subscribed by the person making the complaint, and having endorsed thereon the proper jurat of said clerk; and it shall be deemed sufficient to set forth in said complaint the offense complained of, according to its substance. When a complaint shall be filed as herein provided, a summons shall be issued by the clerk of said court, commanding the respondent in said complaint to appear before said court on a day

therein mentioned, to answer to said complaint, and if said respondent shall fail to appear in obedience to said summons, warrants may be issued by the clerk upon the order of said court for the arrest of said respondent, who shall be committed to the jail of Wayne county to await trial upon said complaint, unless he enter into a recognizance for his appearance to answer to said complaint, in such sum, and with such sureties as said court may, by a general or special order direct. A warrant may be issued in the first instance, upon the order of said court. The trial shall be had and determined upon said complaint, and upon pleadings, which may be amended in the same manner as indictments or informations and pleading under the general laws of the state. (As amended by Act approved May 27, 1893.)

Warrants may be issued.

Terms of Recorder's Court.

(§ 302.) Sec. 23. There shall be six terms of said court, which shall commence on the first Wednesday in January, March, May, July, September and November, and may be continued or adjourned from time to time, as long as said court may deem necessary for the transaction of its business; and whenever, at the close of any term of said court, the trial of a cause shall be in progress, such trial shall continue until the same is determined, and the continuance of such trial shall not be construed as prolonging said term, nor to prevent the commencement of the succeeding term, previously designated as herein required. If, from any cause, the judge of the said court shall be unable to hold the same on the first day of a term, or on any other day to which said court is adjourned, the clerk thereof shall have power to open said court and adjourn it from time to time, until the judge shall be able to attend; and in such case all prosecutions, proceedings and matters pending in said

Power of Clerk to open and adjourn court.

court shall stand continued until said judge can hold said court. (As amended by Act approved June 16, 1887.)

Writ of error, etc.

(§ 303.) Sec. 24. All the proceedings of said recorder's court, at any time before or after final judgment or sentence, may be removed to the supreme court by writ of error or other process, in the same manner that like proceedings may, by law, be removed to the supreme court from the circuit courts of the State, and the supreme court shall proceed to adjudicate thereon in the same manner as on proceedings removed from said circuit court.

City Attorney to collect fines and pay to City Treasurer

(§ 304.) Sec. 25. It shall be the duty of the city attorney to collect all fines and penalties imposed for offenses under this act, or any ordinance or regulation of the common council of said city, which shall be reported in writing by the clerk of said court, at the close of each term thereof, to the board of aldermen, and immediately after their collection or receipt by the city attorney, shall be paid by him to the treasurer of said city.

Books and records to be inspected by whom.

(§ 305.) Sec. 26. The common council of said city and the board of auditors of Wayne county, or any committee thereof appointed for the purpose, may at all reasonable times inspect the records and papers of said recorder's court, and the clerk thereof shall give them, when requested, any information within his power or knowledge concerning such records and papers, and concerning all fines and penalties imposed by said court.

County and city liable for board of prisoners.

(§ 306.) Sec. 27. The city of Detroit shall be liable for all reasonable costs and expenses, and the board of prisoners incurred in prosecutions for offenses and proceedings in said recorder's court, arising under this act, or any ordinance or regulation of the common council of said city; and the county of

Wayne shall be liable for all reasonable costs and expenses, and board of prisoners incurred in prosecutions for offenses and proceedings in said court, arising under the general laws of the State; but if there be a conviction and sentence of confinement in the Detroit house of correction of said city, for any offense now or hereafter punishable by imprisonment in the State prison, the expenses attending the confinement of the prisoner after sentence shall be paid by the State treasurer, quarter-yearly, on the certificate of the city controller that such expenses have been incurred.

House of Correction.

Imprisonment

(§ 307.) Sec. 28. Any person liable to be imprisoned or confined under this act or any ordinance or regulation of the common council of said city, for failing to enter into any recognizance lawfully required, or by disobeying any order of said recorder's court, may be so imprisoned or confined in the jail of Wayne county, and it shall be the duty of the keeper of said jail to receive and safely keep therein all persons thus subject to imprisonment or confinement, until legally discharged therefrom.

Laws of State to apply.

(§ 308.) Sec. 29. Any law of this State for the safe keeping of prisoners in a county jail, or for preventing or punishing their escape, or the aiding of them to escape, or any other act detrimental to their safe keeping in a county jail, shall apply to any jail, work-house or house of correction established or provided under this act by the city of Detroit for the imprisonment or confinement of offenders, in the same manner and to the same effect as to a county jail.

Common Council to prescribe punishment

(§ 309.) Sec. 30. Punishments not herein prescribed for offenses against this act, and for offenses against the ordinances and regulations of the common council, shall be prescribed by said common council.

(§ 310.) Sec. 31. In all prosecutions for crimes, misdemeanors and offenses arising under the laws of this State, said recorder's court shall be governed in the same manner as the circuit courts of the State are by the general laws thereof, which, so far as the same may apply, are hereby made applicable to said recorder's court, its officers and all proceedings therein, subject to the provisions of this act. Crimes to be prosecuted and laws of State and Circuit Court to apply, subject hereto.

(§ 311.) Sec. 32. Any person charged with an offense under this act, or any ordinance or regulation of the common council of said city, shall be tried by the court, unless he shall request to be tried by a jury; and if he so request, he shall be entitled to the same right of challenge, and other rights and benefits extended by law to persons on trial by a jury in criminal cases before said court, subject to the provisions of this act. Court to try all cases unless jury is demanded.

(§ 312.) Sec. 33. The "board of jury commissioners," as created by act number ninety-five of the session laws of eighteen hundred and eighty-seven, shall, as provided in this act, annually, or whenever required by said recorder's court, in accordance with the provisions of section six of said act, select persons to serve as petit jurors for the trial of causes in said court, and file a list thereof with the clerk of said court. The number to be selected on the fourth Monday in May of each year, as provided in said act, shall be three hundred; Provided, That said court may direct a different number to be returned by said board by an order to be entered upon its journal, a copy of which, certified by its clerk, shall be delivered to the president or secretary of such board at least twenty days prior to the fourth Monday in May; and said board shall thereupon return for said court the number of names mentioned in said order. (As amended by Act approved June 16, 1887.) Jury list. Proviso.

List of Jurors to be filed with clerk; slips made.

(§ 313.) Sec. 34. The clerk of said court, on receiving said list, shall file it in his office, shall write the names of the persons thus selected on separate strips of paper of the same size and appearance, as nearly as may be, shall fold up each of said strips of paper in the same manner so as to conceal the name thereon, and deposit and preserve the same in a box, to be called and labeled "jury box," and the persons whose names are thus returned and deposited in said jury box shall be liable to serve as jurors for one year, and until another list shall be selected, returned and filed with said clerk, and the names thereon deposited in said jury box in the manner aforesaid.

Old ballots to be destroyed.

(§ 314.) Sec. 35. Before depositing in said jury box the names contained in any new list, the ballots deposited therein for the preceding year shall be taken out and destroyed, and it shall be the duty of the judge of said court to attend and be present with the clerk when the ballots containing the names of persons to serve as jurors are deposited in the said jury box or taken out to be destroyed.

Provision for drawing a jury for any term.

(§ 315.) Sec. 36. At least ten days before any term of said recorder's court, at which jury trials may be had as above provided, the clerk of said court shall draw from the jury box the names of as many persons as the said court may deem necessary, not less than twenty-four nor more than fifty, to serve as petit jurors in said court. At least two days before such drawing the said clerk shall give notice to the judge of said court and to the sheriff of the time when such drawing shall take place.

Notice of.

Judge and Sheriff to witness drawing of jury.

(§ 316.) Sec. 37. At the time so appointed it shall be the duty of said judge and of the sheriff or under-sheriff of Wayne county to attend at the clerk's office and witness said drawing

of jurors, and if neither said judge, sheriff or under-sheriff be present at the appointed time, the clerk may adjourn such drawing to some certain hour on the next day, of which adjournment he shall forthwith give notice to said judge and sheriff.

Drawing of jury.

(§ 317.) Sec. 38. If at the time first appointed for such drawing, or at the adjourned time therefor, either said judge, sheriff or under sheriff shall be present, the clerk shall proceed in such drawing, as follows: He shall shake the jury box so as fairly to mix the slips of paper deposited therein, shall then draw from said box publicly, and in the presence of the officer or officers attending, as many strips of paper containing the names of jurors written thereon as may have been ordered by said court; and one of the attending officers shall keep a minute of such drawing, in which he shall enter the name on every strip of paper drawn before any other such strip be drawn. If, after drawing the whole number required, the name of any person shall appear to have been drawn who is insane or dead, or has removed from the city of Detroit, or is otherwise incompetent to the knowledge of said clerk or any attending officer, an entry of such fact shall be made on the minute of the drawing, the strip of paper containing his name shall be destroyed, and another name shall then be drawn in the place of that destroyed and entered on the minute of the drawing, and like proceedings shall be had as often as necessary until the whole number of jurors required shall be drawn.

Incompetent persons.

Minute of drawing to be signed.

(§ 318.) Sec. 39. The said minute of the drawing shall then be signed by the clerk of said court and the attending officers, and filed by the clerk in his office, and he shall immediately make out a venire facias and deliver the same to the sheriff of Wayne county, which shall command him, or any of his deputies,

Venire facias

to summon the persons therein named, to be and appear in said court at the term thereof for which they were drawn, to serve as petit jurors, and not depart the same until discharged, under such penalty as the court may impose.

(§ 319.) Sec. 40. Said venire facias shall be served at least three days before the term of the court therein specified, by giving personal notice to each person therein named, or by leaving a written notice at his place of residence with some person of proper age; and return thereof shall be made to said court at its opening, specifying those who were summoned and the manner in which each person was notified.

Venire facias, how and when served.

(§ 320.) Sec. 41. Said court shall impose a fine on each person duly summoned to attend as a juror who shall, without reasonable cause, neglect to attend, not exceeding five dollars for each day's non-attendance and neglect, but all persons who, under the general laws of the state, are exempted or may be excused from serving as jurors in the circuit courts, shall be exempted and may be excused from serving as jurors in said recorder's court.

Fines for non-attendance of jurors.

(§ 321.) Sec. 42. The clerk of said court shall destroy the ballots of all persons who shall attend and serve as jurors, or who shall be excused from serving as jurors on the ground of being exempted by law from such service, and the ballots of persons who did not appear and serve, which shall not have been destroyed, shall be returned to the jury box.

Ballots to be destroyed.

(§ 322.) Sec. 43. Whenever, for any cause, petit jurors shall not have been drawn or summoned to attend any term of said Recorder's Court, or a sufficient number of qualified jurors shall fail to appear, such court may, in its discretion, order a sufficient number of petit jurors to be forthwith drawn from said jury box and summoned to attend such court.

If jurors not in attendance court may order a number to be drawn.

Sheriff to summon jurors.

(§ 323.) Sec. 44. The sheriff, on receiving a list of jurors drawn, pursuant to the preceding section, shall proceed as soon as possible to summon such jurors forthwith to attend such court, and make return to said court of his doings in the same manner as in the case of a venire facias.

By-standers.

(§ 324.) Sec. 45. When there shall not be jurors enough present to form a panel in any case, said court may direct the officer in attendance on said court to summon a sufficient number of persons having the qualifications of jurors to complete the panel from among the by-standers or the neighboring citizens, and such officer shall immediately summon the number so ordered and return their names to said court.

Annual report of clerk.

(§ 325.) Sec. 46. The clerk of said court, on the first day of January in each year, or as soon thereafter as practicable, shall make to the board of aldermen a report in writing, duly certified by him, showing the whole number of prosecutions by information or indictment, which number shall be also classified by the name or description of the offense; the whole number of prosecutions for offenses against this act or the ordinances and regulations of the common council, which shall be also classified in like manner, so far as practicable; the whole number of prosecutions, convictions, acquittals, cases dismissed and discontinued, and cases pending; the whole number of sentences passed; the whole number punished by fines and penalties; the whole number punished by imprisonment and confinement, which shall also be classified according to the prison, jail or other place of imprisonment or confinement; and the whole number held to bail for good behavior and to keep the peace; and said report shall be published in such manner as the said board shall direct.

Stenographers.

(§ 326.) Sec. 47. There shall be two stenographers of said recorder's court, who shall be appointed by the recorder, and the persons so appointed shall be deemed officers of the court, and it shall be their duty to attend at each session thereof, and to take full stenographic notes of the testimony and of the charge of the court in all cases tried in said court, unless otherwise ordered by the judges thereof. And in case a judge shall so order, they shall make without extra compensation, a legible transcript of their notes, which shall be filed by the clerk and preserved as part of the files in the cause, subject to the inspection and use of all parties interested. They shall each receive an annual salary not exceeding two thousand dollars, and not less than twelve hundred dollars, to be fixed by the board of auditors, and which shall be paid in monthly installments out of the county treasury. Said stenographers shall be entitled, except as herein otherwise provided, to the same fees for making a transcript of the testimony and charge of the court in any case, as shall be allowed by law to the stenographer of the circuit court for the county of Wayne for like service. (As amended by Act approved May 27, 1893.)

Duty of stenographers.

Shall make a legible transcript of their notes.

Salary.

Sickness of stenographe r.

(§ 327.) Sec. 48. In cases of sickness or temporary absence of a stenographer, the recorder may appoint some competent person to act in his stead, who, while so acting, shall be paid out of the county treasury such sum as the court shall allow. (As amended by Act approved May 27, 1893.)

Act not to affect Police Court act.

(§ 328.) Sec. 49. This act shall not be construed to repeal or in any way affect any of the provisions of act 479 of the session laws of 1871, entitled "An act to establish a police government for the city of Detroit," relating to attendance by mem-

bers of the metropolitan police on said court and the service of process issuing therefrom.

(§ 329.) Sec. 50. All acts or parts of acts inconsistent with the provisions of this act are hereby repealed. (Approved June 7, 1883. Ordered to take effect July 1, 1883.)

ASSOCIATE JUDGE OF THE RECORDER'S COURT.

Associate Judge of the Recorder's Court.

(§ 330.) An Act to provide for an associate judge of the recorder's court of the city of Detroit, and to authorize the governor of the state to fill any vacancy therein.

Manner of election.

(§ 331.) Section 1. The People of the State of Michigan enact, That there shall be an associate judge of the recorder's court of the city of Detroit, who shall be elected in the same manner as is provided by law for the election of recorder.

Term of office.

(§ 332.) Sec. 2. He shall hold his office until the second Tuesday of January, A. D. eighteen hundred and ninety-four. If a vacancy shall occur in the office of recorder, he shall perform all the duties and shall have all the powers and authority of said recorder. No election shall be held to fill said office of associate judge at or after the expiration of the present term of the recorder of said court.

Powers and duties in case of vacancy in office of recorder.

He shall act as judge in absence of recorder.

(§ 333.) Sec. 3. He shall, in the absence or during the inability for any cause of the recorder to perform the duties of his office, act as judge of the recorder's court of the city of Detroit.

Annual salary.

(§ 334.) Sec. 4. He shall receive from the treasury of the city of Detroit an annual salary of three thousand dollars.

Vacancy how filled.

(§ 335) Sec. 5. Upon the taking effect of this act a vacancy in said office of associate judge shall be deemed to exist, and the governor of the state is hereby authorized to appoint some suitable person to fill such vacancy, and such appointee shall hold his said office, until his successor is elected and duly qualified. Said successor shall be elected at the next ensuing charter election of the city of Detroit. This act is ordered to take immediate effect. (Approved May 25, 1889.)

CHAPTER XIII

PUBLIC LIGHTING COMMISSION.

AN ACT to amend an act, entitled "An Act to provide a charter for the city of Detroit, and to repeal all acts and parts of acts in conflict therewith," approved June 7, 1883 by adding a new chapter thereto.

Section 1. The People of the State of Michigan enact, That an act entitled "An act to provide a charter for the city of Detroit, and to repeal all acts and parts of acts in conflict therewith," approved June 7, 1883, be and the same is hereby amended by adding a new chapter thereto to be known as chapter thirteen, to read as follows:

CHAPTER XIII.

Public Lighting Commission. Their appointment.

(§ 336.) Section 1. There shall be a board of commissioners in said city known as the public lighting commission. Said commission shall consist of six members, who shall be appointed by the mayor and approved by the common council. The first appointment of members of this commission shall be made at the next meeting of the common council after this chapter shall have become operative, and the first appointments shall be made for the terms respectively of one, two, three, four, five and six years, and the members so appointed shall hold office until their successors are appointed and shall have qualified. Their successors shall be appointed at the termination of said respective terms for the term of six years. Said commissioners shall take and file in the office of city clerk the oath of office prescribed for

city officers, and shall then enter upon the performance of their duties. They shall appoint their president and secretary, who shall perform the duties usually appertaining to such offices and such as shall be prescribed by said board. The president of said board shall be ex-officio a member of the board of estimates. Said board of commissioners shall have authority to call upon the city surveyor for any service they may require in making maps or diagrams of locations of lights and wires within the city limits, and the city clerk and board of public works shall furnish them such information as they may require for the proper discharge of their duties.

City may contract or establish lighting plant.

(§ 337.) Sec. 2. The said city may contract for the lighting of public buildings, streets, avenues, parks, public grounds and places for any period not exceeding three years. It shall have power to procure lands, and purchase or construct the necessary buildings, engines, dynamos and other machinery, tools, lamps, lines, conduits, poles, towers and other apparatus and appliances, constituting a plant for lighting the said city by electricity, or by any other means or system, and if the common council deem it desirable it may purchase towers, poles, wires, lamps and other appliances, and cause lines of wire to be constructed, the use of which it may let to any person or corporation contracting to light said city. It shall also have power to lay pipes and conduits in the highways, alleys and public places, for gas or electric light wires, and to erect in the highways, alleys, and public places, poles, towers or posts for wires or lamps, and to place, construct and maintain the necessary lines of wires, either below or above ground, in the highways, alleys or public places; Provided, That nothing in this act shall be construed as granting said municipality or said board the

right to engage in the business of private or commercial lighting.

Contracts for lighting.

(§ 338.) Sec. 3. If the common council shall determine to contract for lighting, it shall by resolution direct the public lighting commissioners to enter into a contract for lighting said city, either by electricity or by such other means as it may determine, for a period of time to be mentioned in such resolution. It shall thereupon be the duty of said commissioners to prepare specifications and advertise for proposals for a period of not less than five days, and enter into a contract in behalf of said city with the lowest responsible bidder, for lighting said city by such means as are specified in such resolution; Provided, It shall be competent for the commissioners to contract for lighting the public buildings and any part or portion of the city by different means or systems.

Common Council may direct Commissioners to make necessary purchases not to exceed $800,000.

(§ 339.) Sec. 4. If the common council shall determine that it is advisable to establish a plant for public lighting, to be owned by the city, it may direct said commissioners to purchase the necessary lands, machinery, wires, poles, lamps, towers, and other apparatus and appliances mentioned in the second section of this chapter, the cost of which shall not exceed eight hundred thousand dollars. And it shall thereupon be the duty of said commissioners without further approval or confirmation of their contracts by the common council, to carry into effect the authority thereby conferred, and to make the necessary purchase of lands, machinery, engines, tools, lamps, apparatus and appliances, and construct the buildings required, and cause to be constructed or laid all necessary conduits and lines of wire below ground, and to erect and construct all necessary poles, towers, posts, lines of wire above ground, which they shall deem

necessary or required according to such system or systems, as they may deem best for the lighting of said city. (As amended by Act approved January 17, 1895.)

City electrician, superintendents, clerks, etc.

(§ 340.) Sec. 5. The said commissioners may employ an electrical engineer who shall be known as the city electrician, and such other superintendents, engineers, clerks, agents and subordinates under them as may be necessary to carry into effect the provisions of this chapter, regulate and define their duties and prescribe their compensation.

Establishment of plant to be submitted to electors.

(§ 341.) Before the common council shall direct said commissioners to establish a plant as herein provided, it shall by resolution submit to the electors of said city, to be voted upon by said electors, the question, as to whether the authority hereby conferred shall be exercised. The proposition shall be stated upon the ballots to be printed by the election commissioners, in the following form: "For a city lighting plant—Yes," and the same words repeated followed by the word "No;" and any elector may vote for or against said proposition by making a cross opposite said word "Yes" or "No," respectively. The notes upon said propositio nand for and against the same, respectively shall be certified, returned and canvassed by the board of city canvassers in the manner now provided by law for certifying, returning and canvassing votes cast for city officers. And if a majority of the electors voting thereon in said city shall vote in favor of said proposition then the authority hereby conferred may be so exercised; otherwise the same shall not be so exercised. Notice shall be given by the city clerk by publication in four or more newspapers of the election to vote upon said proposition at least five days before the election.

(§ 342.) Sec. 6. The said commissioners shall have a general supervision and management of all public lighting, and of any plant established by the city, as herein provided for that purpose, and all employes engaged in or about the construction or operation thereof, and shall make the necessary purchases of fuel, tools, supplies, materials, apparatus and appliances required in the operation and management of said plant, without further approval or confirmation of their contracts by the common council: Provided, that the expenditures for the operation and management of said plant shall not exceed in any one year the tax levied for that purpose: And provided further, that after the adoption by them of plans and specifications for the erection of any buildings, the board of public works shall have the immediate supervision or superintendence of construction thereof, and also of the laying of conduits in the public streets, and of the necessary excavation, refilling and repaving caused thereby. (As amended by Act approved January 17, 1895.)

Contracts need not be confirmed.

Proviso.

(§ 343.) Sec. 7. The said city may raise by tax the necessary funds to provide for the public lighting and for the purpose of providing for the construction of the public lighting plant, as herein provided, may raise moneys by tax or issue the bonds of said city, payable at such time and in such amount and at such rates of interest as the common council may determine, subject, however, to the approval of the board of estimates as provided by section 4, chapter 8, of the act number 488 of the public acts of 1887. It shall also have power to issue bonds in like manner or raise moneys by tax for the purchase or construction of conduits wires posts, poles, towers and lamps, for use by any party or parties contracting for the public lighting as herein provided.

Power to raise moneys by tax or bonds.

Contracts, not let in excess of funds authorized.

(§ 344.) Sec. 8. No contract shall be let nor any purchase be made of any lands or property requiring the payment of any money, nor shall any moneys be paid for public lighting in excess of the tax levied for that purpose, or of moneys raised by issuing bonds as herein provided.

Commissioners to have supervision of all electric lighting wires, etc.

(§ 345.) Sec. 9. The public lighting commissioners shall have the supervision of the construction of all the electric lighting lines of wires in said city whether owned by the city or by other parties, and of all connections made with any building or buildings, and no such wires or lines of wires shall be placed, laid, erected or constructed, nor shall any pole or post or conduit be laid, placed or constructed for such lines, nor any connection made with any building or buildings, except under such general regulations as they from time to time may adopt. They may prescribe the limits of the district or districts of said city, within which it shall not be lawful to erect poles and train wires for such lines above ground in any street or highway, and they may prescribe or determine the other street or streets in which it may be lawful to erect or construct such lines of wire above ground. Any person violating the provisions of this section shall be deemed guilty of a misdemeanor and shall be punished accordingly.

May prescribe limits.

Council may adopt ordinances.

(§ 346.) Sec. 10. The common council shall have power to adopt ordinances not in conflict herewith, to carry out the provisions of this chapter and to regulate the use of electricity for lighting purposes in said city, and the training or using of wires therefor, and to regulate or prohibit the erection of poles in the streets of said city for such wires, or the training thereof.

(§ 347.) Sec. 11. Any person who shall cut, break, injure or destroy any building, engine, dynamo or other machinery, or appliances, poles, posts, towers, lamps, wires or conduits erected, constructed or used for the public lighting of said city, whether owned by the corporation or by any party or parties contracting for the lighting of said city, with intent to prevent or interrupt the lighting of any public building, or any part or portion of said city, shall be deemed guilty of a misdemeanor, and shall be punished therefor by a fine of not less than twenty-five dollars nor more than one thousand dollars, or by imprisonment not exceeding two years, or by both fine and imprisonment in the discretion of the court, and proof that the act was willful shall be prima facie evidence of such intent. (This Act is ordered to take immediate effect. Approved March 18, 1893.)

Injuring machinery, wires, etc., a misdemeanor.

CHAPTER XIV.

LAW DEPARTMENT.

AN ACT to provide for a law department for the city of Detroit, to abolish the offices of city counselor and city attorney, and to repeal act number four hundred and nineteen of the local acts of eighteen hundred and ninety-three, entitled, "An act supplemental to the charter of the city of Detroit, and to provide for a law department in said city," approved June first, eighteen hundred and ninety-three.

(§ 348.) Section 1. The People of the State of Michigan enact, There is hereby established and continued an executive department of the municipal government of the city of Detroit, which shall be known as the law department, and shall embrace the corporation counsel, one chief assistant, three additional assistants, one chief clerk, one copying clerk, and such other clerks and subordinates as the common council may see fit to prescribe and establish. The common council shall provide offices, telephones, fuel, lights and all necessary books, blanks, stationery, etc., for the use of said department.

Law department, how conducted.

Council to provide offices, telephones, etc.

(§ 349.) Sec. 2. The corporation counsel shall be a practicing attorney, appointed as provided in this act. He shall have practiced his profession for at least ten years. He shall be appointed by the mayor on the first Tuesday in June in the year eighteen hundred ninety-six, or within fifteen days thereafter for the term of four years from the first day of July next succeeding

Corporation Counsel qualifications and how appointed

Term of office.

his appointment, and thereafter upon the expiration of his term, his successor shall be appointed for the full term of four years.

To give bond.

(§ 350.) Sec. 3. The corporation counsel shall, before entering upon the duties of his office, execute a bond to the city of Detroit in the sum of five thousand dollars, with such sureties as the common council shall approve, conditioned for the faithful performance of the duties of his office.

Salaries.

(§ 351.) Sec. 4. The corporation counsel shall receive an annual salary of five thousand dollars, the chief assistant shall receive an annual salary of three thousand dollars, the second assistant shall receive an annual salary of twenty-five hundred dollars, the third and fourth assistants each eighteen hundred dollars per annum, the chief clerk twelve hundred dollars and the copying clerk one thousand dollars. All said salaries shall be payable monthly in installments from the city treasury in the same manner as other city officials are paid.

Corporation Counsel to be head of Law Department.

Duties of

(§ 352.) Sec. 5. The corporation counsel shall be the head of the department of law and he shall superintend and conduct all the law business of the city and its departments, conduct all suits brought by or against the city or any board thereof, except the board of police commissioners, all prosecutions for the violations of the ordinances of the city, all proceedings for the opening of streets or alleys, all proceedings for the condemnation of lands, draft all such ordinances as may be required by the common council or a committee thereof, and prepare such leases, deeds, contracts or other papers as may be required by the common council or by any department of the city government.

(§ 353.) Sec. 6. He shall, when required, furnish written opinions upon all subjects submitted by the common council, by the mayor, or by any board or head of any department of the city government. Department shall furnish opinions.

(§ 354.) Sec. 7. The corporation counsel shall appoint all assistants, clerks and subordinates herein provided for, and such others as may be authorized by the common council. In case of the disability, or absence of the corporation counsel, the chief assistant shall have charge of the business of said department, and in case of a vacancy in the office of corporation counsel, the chief assistant shall perform the duties of such office until the vacancy be filled. The chief assistant, the other assistants and clerk herein provided for, shall hold their respective offices during the pleasure of the corporation counsel. Shall appoint assistants.

(§ 355.) Sec. 8. Upon the expiration of the term of office of the corporation counsel, or his resignation thereof, or removal therefrom, such officer shall forthwith on demand deliver to his successor in office all deeds, leases, contracts and other papers and books in his hands belonging to the corporation or delivered to him by the corporation, or any of its officers or department, and all papers in actions prosecuted or defended by him, or which are pending and undetermined. To deliver papers.

(§ 356.) Sec. 9. The corporation counsel shall annually, on or before the first day of January in each year, report in writing to the common council of all suits instituted and pending in courts of record in which the city of Detroit is plaintiff or defendant, in which report shall be stated the names of all defendants and plaintiffs, the nature of the action, the date of the commencement and the several steps that may have been Annual report.

taken in court during his term of office to bring such suits to final issue, to be accompanied with such explanatory remarks as said officer may see fit to append, to the end that the council may be kept more fully advised as to the legal affairs of the city. He shall also attach to his said report a list of all such cases as may have been disposed of during his term of office, and subsequent to his last report, together with their results.

Officers, boards, etc., not to employ attorneys.

(§ 357.) Sec. 10. No officer, department or municipal board, except the common council and the board of police commissioners, including the board of education of the city of Detroit, shall have or employ any attorney or counsel, unless upon the recommendation of the corporation counsel, but it shall be the duty of the law department to furnish to every department, officer and municipal board such advice or legal assistance, as counsel or attorney in or out of court, as may be required by such officer, department or board.

Police Department to furnish detectives.

(§ 358.) Sec. 11. It shall be the duty of the superintendent of metropolitan police to detail on request of the corporation counsel one or more detectives for services as may be required in connection with the business of said department.

Duty of officers on whom papers are served.

(§ 359.) Sec. 12. It shall be the duty of any officer upon whom any process or other paper may be served in any case commenced or pending against said city, to immediately transmit such process or paper to the corporation counsel, who shall inform the common council of the pendency of such suit or proceeding, and unless otherwise directed by the counsel he shall appear in such suit or proceedings in behalf of the corporation, and if a judgment or decree be entered therein he may cause an appeal or other appropriate proceeding to be taken to remove

such cause to the appellate court, if, in his judgment, the interests of the city so require.

(§ 360.) Sec. 13. The corporation counsel and his assistants shall appear and act for the people of the State of Michigan, in the police court and recorder's court of said city in all cases arising under the charter and the laws creating the several boards and commissions of said city, or for offenses specified in said acts, and information in such case may be filed by the corporation counsel as informant, in the same manner and with like effect as though they had been filed by the prosecuting attorney or the county. Corporation Counsel and assistants shall appear in Police and Recorders Court.

(§ 361.) Sec. 14. Whenever an appeal shall be taken in any cause, or a writ of error issued in any suit brought against said city of Detroit, it shall not be necessary in order to perfect said appeal, or to stay proceedings upon any judgment, for the corporation to execute any bond or other undertaking, but there shall be the same right to sue and recover against the said city, the same damages that the appellee would have had, had an undertaking or bond been executed by the corporation in such cases. The appeal shall be deemed to have been perfected when a claim or notice of such appeal shall have been filed and notice thereof given to the appellee or his solicitor or attorney. Appeals.

(§ 362) Sec. 15. The office of city attorney in said city of Detroit is hereby abolished from and after the first day of January, eighteen hundred ninety-six, and it shall be the duty of said officer on the date last mentioned, to forthwith deliver to the corporation counsel all deeds, leases, contracts and other papers and books in his possession belonging to the corporation, and all papers, files and documents in all actions prosecuted or Office of City Attorney abolished.

defended by him, together with all property of every kind and nature belonging to said corporation. The present city counselor shall be the corporation counsel under this act until his successor shall be appointed and qualified, as provided herein, and shall have the authority and perform the duties of said office, as herein provided.

Removal from office.

(§ 363.) Sec. 16. The said corporation counsel may be removed from his said office, by the circuit court of Wayne county for cause, and upon charges made in writing, and he shall be allowed to be heard in his defense. Any clerk may be removed by the corporation counsel.

(§ 364.) Sec. 17. The act entitled "An act supplemental to the charter of the city of Detroit and to provide for a law department in said city," approved June first, eighteen hundred ninety-three, being act number four hundred nineteen of the local acts of eighteen hundred ninety-three, is hereby repealed. (Approved May 4, 1895.)

AN ACT to amend an act entitled "An act to provide separate grades for railroads and public highways and streets where railroads intersect such highways and streets," approved May twentieth, eighteen hundred ninety-three.

(§ 365.) Section 1. The People of the State of Michigan enact, That an act entitled "An act to provide separate grades for railroads and public highways and streets where railroads intersect such highways and streets," approved May twentieth, eighteen hundred ninety-three, be amended by adding a new section thereto, to stand as section thirty-three, as follows:

City Attorney defined.

(§ 366.) Sec. 33. In the city of Detroit the city counselor or other officer who may be the head of the legal department of said city shall perform the duties required by this act to be performed by the city attorney, and wherever the term city attorney shall be used herein, it shall as to and in said city be deemed to mean the city counselor or other head of the legal department. (Approved May 22, 1895.)

CHAPTER XV.

BOARD OF PUBLIC WORKS.

[The board provided by this act was abolished by act approved May 4, 1901, which created the office of Commissioner of Public Works. That act, however, vested in the Commissioner of Public Works all the powers previously exercised by the Board of Public Works, except as therein altered or modified, and this chapter is retained as a convenient reference to those powers.]—Compiler's note.

(§ 367.) Section 1. The People of the State of Michigan, enact, There shall be appointed by the common council, on nomination of the mayor, on the last Tuesday of December following the passage of this act, three persons, freeholders and electors of the city, who shall constitute a board to be known and designated as the Detroit board of public works. Such persons shall hold their office for the term of two, three and four years, respectively, from the third Tuesday in January, eighteen hundred and seventy-four, which terms shall be determined by lot in the manner to be prescribed by ordinance for drawing lots. Each succeeding member, so appointed by the council, shall be nominated and appointed in like manner on the second Tuesday in January preceding the expiration of the term of office of any member whose term will next expire, and for the term of four years. Each member of said board shall receive such salary per annum as the common council may from time to time establish. Each member shall devote his entire time to the performance of his official duty, and for any failure or neglect to do so, or for

Appointment of members.

Term of office.

Salary to be fixed by Common Council.

any other cause deemed sufficient, may be removed from office in the same manner as other elective officers of the city are removed by the common council. The members of said board shall give bonds in the sum of twenty thousand dollars each, with sureties to be approved by the common council of the city of Detroit. The said board shall elect one of its own members president thereof. All vacancies in said board, whether by expiration of term of service or otherwise, shall be filled by the appointment of the mayor, and be confirmed by the common council.

Bond to be given.

President of Board, how elected.

City Engineer; how appointed

(§ 368.) Sec. 2. As soon as practicable after the members of said board shall have been appointed and qualified, they, together with the members of the board of water commissioners for said city, shall meet together and appoint a city engineer, who shall hold his office for the term of four years, or until his successor shall have been appointed and qualified, and whose duty it shall be to perform all the duties heretofore required of the city surveyor, not in conflict with this act; all civil engineering, and any duty that may be required of him by said board, or by said board of water commissioners, or by any resolution or ordinance of the common council; and he shall devote his entire time to the performance of his official duties. The members of said board of public works and of said board of water commissioners may jointly fix the compensation of said engineer and of such assistants as may be authorized by them; and who shall be appointed by them, on the nomination of the engineer; and they shall determine the portion of such compensation to be paid by the city, subject to the approval of the common council, and the portion to be paid by the board of water commissioners; and they shall also make such general regulations that the

Duties of Engineer.

Compensation, etc.

duties of said engineer and assistants, in respect to the requirements of said boards respectively and the city generally, shall not conflict. They may remove any of said assistants at any time, and may remove the city engineer for incapacity, neglect of duty, or any of the causes for which the city controller might be removed from office by the common council.

Removal of Engineer, etc.

(§ 369.) Sec. 3. Any one of the said board of public works, who shall, during his term of office, accept or hold any office, elected by the people, or who shall, during his term of office, be publicly nominated for any office elected by the people, and shall not, within ten days succeeding the same, publicly decline the said nomination, shall be, in either case, deemed thereby to have resigned his position and to have vacated his office.

No member of Board to accept a nomination to an elective office.

(§ 370.) Sec. 4. The board of public works shall prepare, as soon as may be, a general plan of laying out into streets and alleys, all such portions of the territory now or hereafter lying within the corporate limits of the city as shall not already be laid out, approved and platted at the time of the taking effect of this act; or without the city limits, and within two miles thereof, when directed by the common council, and may enter upon land for that purpose. If approved, they shall endorse their approval on all plats of such streets and alleys, and no private plan shall be allowed or permitted which does not conform thereto, and no plat shall hereafter be recorded or be of any validity, unless before such record the approval of said board shall be duly endorsed thereon. Before accepting and approving any such plat, the said board of public works shall require that there be filed in their office a certificate from the proper authorities, showing that all back taxes on property in-

Board shall prepare general plan of streets and alleys within city limits.

Also, *without* city limits, and within two miles of same.

Private plans shall conform thereto.

No plats valid or permitted to be recorded unless approved by Board.

Certificate that taxes are paid to be filed.

Plats may be changed by three-fourths vote of council.

Streets and alleys to conform to present lines.

cluded in said plat shall have been paid in full. Said board shall not have power to change such plats when once approved and adopted by them, unless authorized so to do by a resolution of the council, passed by a three-fourths vote of the members elect; *Provided*, That all streets and alleys shall be laid out so as to conform as nearly as may be to the lines of streets and alleys now opened. (As amended by Act approved April 18, 1883.)

To establish a system of grades.

(§ 371.) Sec. 5. They shall establish a system of grades for all streets and alleys within said corporate limits, and when once established, no grade shall be changed except by resolution of the council, as above provided.

A system of sewers.

(§ 372.) Sec. 6. They shall establish a system of sewers for the entire city, and cause to be designated on said plats the streets through which the same are to be constructed; and no street shall be paved until the sewer to be constructed through the same shall be completed so far as the pavement is to extend;

Proviso.

Provided, That all sewers, water pipes, gas pipes, and all connections, be made and completed at least one year before such paving is ordered to be done.

Connections to be made.

(§ 373.) Sec. 7. Said board may require, before any street is paved, that the gas pipe shall be laid therein and connections made to the curb in front of each lot. If any gas company refuses to lay said pipe when required by said board, they may prohibit the laying of such pipe in such street after the street is paved.

Duties of Board as to grading, etc., of streets.

(§ 374.) Sec. 8. The board of public works shall supervise the grading and paving of all streets, avenues, alleys and public grounds; the cleaning, working, repairing and improving of all

streets, avenues, alleys and public places, and also the construction, altering and repairing of public wharves, docks, bridges, culverts, receiving basins, sewers and water courses within said city; the improvement and ornamentation of all parks and public grounds within the city; *Provided*, That this act shall not be construed so as to repeal an act entitled "an act supplementary to the charter of the city of Detroit, relating to a public park or other public grounds for the use of said city," approved April 15, 1871, and the acts amendatory thereof, or in any way interfere with any of the powers or duties of the board of park commissioners in relation to any park or public grounds laid out or established by virtue of said acts; the laying of all gas or water pipes through any street or alley; the construction of all sewers and drains; and no person shall make any connection therewith without the consent of said board, and under such general rules and regulations as the board may adopt. Said board shall also have the supervision and the control of the erection of all lamp posts, and may order the erection of the same at such places as the same may from time to time be needed.

Proviso.

Erection of lamp posts.

(§ 375.) Sec. 9. It shall supervise the laying down of all sidewalks and crosswalks; the construction of all vaults under any portion of said streets; the erection of all public buildings and works of the corporation, or any board thereof, within or without the city, excepting such buildings and works as may by law be under the supervision of the board of water commissioners, and may stop the work thereon when the same is not being done according to the contract thereof; *Provided, however*, That this clause shall not be construed to give the board any right to interfere or change the plans or specifications of such buildings or works, nor authorize them to demand any variation therefrom.

Sidewalks, etc.

Construction of public buildings.

Proviso.

Power to employ skilled workmen in certain cases.

(§ 376.) Sec. 10. When the construction of any building or work of the corporation shall require peculiar skill, the common council may, by resolution, authorize the board to employ a competent person to superintend the same at a compensation not exceeding a sum to be stated in said resolution.

Department of Public Works to have charge of cleaning streets.

(§ 377.) Section 11. The Department of Public Works, under the supervision and direction of the Common Council, shall have the entire charge and control of the cleaning of streets and alleys, repairs of paving and building of wooden cross-walks in the City of Detroit. They shall report to the Controller of the City of Detroit on or before the first of February of each year, an estimate of each of the sums required for working or cleaning of streets, repairs of paved streets and cross-walks, building of wooden cross-walks in each ward of the City of Detroit; also for the repair or construction of public wharves, docks, bridges, platforms, culverts, receiving basins, sewers, public drains, buildings, lamp posts and drinking or ornamental fountains, erected by the city or said board, and of all the public works to be carried on under their supervision during the fiscal year, or for any other of the purposes for which money may be expended under the provisions of this act. The sum required for each ward for cleaning of streets shall be levied and assessed as the present city tax is assessed, in accordance with the charter and ordinances of the City of Detroit. (As amended by Act approved June 6, 1901.)

When to report to Controller.

How assessment for cleaning streets, to be levied.

All public improvements to be first referred to the Board.

(§ 378.) Sec. 12. When any public improvement, except the opening of public streets, or public work is proposed, the common council shall, before proceeding with the same, refer the matter to said board of public works, and the board last named shall forthwith proceed to examine the same, and shall, as soon

as practicable, report thereon to the common council, giving detailed estimates of the costs of such works or improvements, if any costs there will be, and shall make such recommendation as said board of public works may deem expedient.

Power to employ Superintendents, etc.

(§ 379.) Sec. 13. The said board shall have power to employ superintendents, clerks, surveyors, a secretary, and such other persons as may be necessary to enable them to perform their duties under this act, and to specify the duties of such persons so employed, and to fix their compensation, as shall be, from time to time, determined by the council, and shall have power to adopt such rules and regulations for its own and the government of its employes as they may deem necessary and expedient to effect the purposes of its organization, and also to remove any person so appointed at its pleasure.

All work done by Board to be reported to council.

No moneys to be paid out except on warrant of Controller.

(§ 380.) Sec. 14. All work done under the supervision of said board shall be reported to the common council from time to time, and no money shall be paid out of the treasury on account of any work so done until the common council shall have instructed the controller to draw his warrant therefor.

Other powers.

(§381.) Sec. 15. Said board shall also exercise such other powers and perform such other duties in the superintendence and construction of public works, improvements and repairs constructed by authority of the council, or owned by the city, as the council may from time to time direct.

Classifying of work, etc.

(§ 382.) Sec. 16. It shall be the duty of said board to classify or divide the various works or interests under their control into departments, as far as may be, and keep an accurate account of the costs of each branch, showing the amounts ex-

pended for original improvements or construction, and the amounts for repairs, superintendence and other expenditures, exhibiting the source of expenditure; and it shall be the duty of the said board to make a report to the common council of said city annually, in the month of June, which shall embrace the said expenditure of the different branches or departments of work under their control, and the said report shall also embrace a statement of the condition, progress and operation of the works; and the said board shall also have charge and control of the streets, parks and public grounds of said city, and may, by printed rules and orders, approved by the common council, regulate the use of the same, and provide for planting ornamental trees thereon; *Provided*, That nothing herein shall be construed to authorize said board to devote any more of a public street to ornamental trees than such as is not required or used for road and sidewalk purposes. (As amended by Act approved April 18, 1883.)

Annual report of Board.

Control of streets, parks etc.

Proviso.

(§ 383.) Sec. 17. No member of said board shall be interested, either directly or indirectly, in any contract entered into by them with any other person; nor shall they be interested, either directly or indirectly, in the purchase of any material to be used or applied in and about the uses and purposes contemplated by this act. Any member of said board may at any time be removed by a vote of two-thirds of the members elected to the common council of said city for sufficient cause, and the proceedings in that behalf shall be entered in their journal; *Provided*, That the said common council shall previously cause a copy of the charges prepared against such member sought to be removed, and notice of the time and place of hearing the same, to be served on him ten days at least previous to the time so assigned, and opportunity to be given him to make his defense.

Members of Board not to be interested in contracts.

Removal of members.

Proviso.

Grading and paving, how done.

(§ 384.) Sec. 18. The paving and grading of all streets, alleys or public places, ordered by the common council, shall be done under the supervision of the board of public works, and upon contracts and under specifications to be prepared by such board and approved by the common council; and all moneys appropriated by the common council for such purposes shall be expended by the said board, and paid from the appropriate fund provided by the common council therefor. In the erection of public buildings and paving of streets, and construction of sewers, the board shall advertise for proposals to execute the work according to plans and specifications, and the board may contract with the lowest responsible bidder, *Provided*, It shall be at their option to reject all proposals made.

Erection of public buildings.

Permit to use streets temporarily.

(§ 385.) Sec. 19. Said board shall have power to issue permits for building an dfor use of the highways for such purposes, under such regulations as the common council may prescribe by ordinance. Before any building shall be used or occupied as a place of amusement or for any kind of public gatherings, excepting churches, a permit from said board shall be obtained, which shall not be granted until said board shall be satisfied that such building is safe in its construction for such use, and as to facilities for ingress and egress, in case of fire or accident. Any person using or permitting any building to be used for such purpose, without first having obtained such permit from said board, shall, on conviction, be punished by a fine not exceeding one thousand dollars, or by imprisonment not exceeding six months in the Detroit house of correction, or by both fine and imprisonment in the discretion of the court.

Inspection of buildings, etc.

Penalty for allowing building to be used without permit.

Offices abolished.

(§ 386.) Sec. 20. The offices of street commissioners, overseers of highways, city surveyor, the board of sewer commis-

sioners, commissioners on plan of the city, and all other officers whose duty is to be performed by the board of public works, are hereby abolished from and after the third Tuesday of January, 1874.

Removal of structures liable to fall.

(§387.) Sec. 21. Said board shall have power summarily to remove, or cause to be removed or torn down, all dangerous walls or other structures that may be liable to fall into any street, alley or public place, or otherwise, so as to endanger life or property.

AN ACT

To amend Sections one, two, three, four, five, six, seven, eight, nine and ten of an Act, entitled "An Act to establish a Department of Public Works in and for the City of Detroit and to repeal all Acts or parts of Acts in conflict therewith," approved February fifteenth, nineteen hundred and one, and to add a new section thereto.

The People of the State of Michigan enact:

(§ 388.) Section 1. That an Act entitled "An Act to establish a Department of Public Works in and for the City of Detroit, and to repeal all Acts or parts of Acts in conflict therewith," approved February fifteenth, nineteen hundred one, be amended by amending Sections one, two, three, four, five, six, seven, eight, nine and ten and by adding a new section thereto, as follows:

"Department of public works."

(§ 389.) Section 1. There shall be a department in the municipal government of the City of Detroit, to be known as the "Department of Public Works" of the City of Detroit, and the responsible head of said department shall be an officer to be known as the "Commissioner of Public Works."

"Commissioner of public works."

(§ 390.) Sec. 2. That within five days after this Act shall take effect, it shall be the duty of the Common Council of the City of Detroit, and it is hereby authorized and empowered to appoint a Commissioner of Public Works, having the qualifications of an elector and freeholder of said city, and who shall hold his office from the time of his appointment and qualification under this Act as amended, until the first day of July, nineteen hundred five, and until his successor shall be elected and qualified. At the expiration of said term and each four years thereafter, the Mayor of said city shall appoint a suitable person of like qualifications, as Commissioner of Public Works, for the term of four years and until his successor shall be appointed and qualified. The Mayor shall appoint a suitable person of like qualifications to fill any vacancy in said office for the remainder of any unexpired term. Before entering upon the duties of his office, the Commissioner of Public Works shall file in the office of the City Clerk, his bond in the penal sum of fifty thousand dollars, with two or more responsible sureties, or with a responsible security company as surety, and approved by the City Controller, conditioned for the faithful performance of the duties of his office. During sickness, absence or some temporary inability of the Commissioner to perform the duties of his office, the Secretary of said department shall perform the duties and have the powers of said Commissioner: Provided, That he shall not have authority to change any general rules or regulations, or to make appointments.

Council to appoint commissioner.

Qualifications of commissioner.

Term of office.

Mayor to appoint successors.

Term.

Vacancy, how filled.

Bond of Commissioner.

Secretary to act during commissioner's absence, etc.

(§ 391.) Sec. 3. The Common Council may, by a vote of two-thirds of all the members elect, remove from office any Commissioner of Public Works for corrupt or wilful malfeasance, or for wilful neglect of the duties of his office, and in any such

Removal from office.

case the reason of such removal shall be entered upon the records of the Common Council with the names and votes of the members voting on the question. Any person so removed shall not be eligible to reappointment to said office: Provided, however, That no Commissioner of Public Works shall be removed from office by the Common Council unless first furnished with a copy of the charges in writing and allowed to be heard in his defense, with the aid of counsel; and for the purpose of determining the truth of any such charges, the Common Council shall have the power to issue subpoenas, to compel the attendance of witnesses, and the production of papers when necessary, and shall proceed within thirty days after service of a copy of the charges to hear and determine upon the merits of the case. If such officer shall neglect to appear and answer such charges, his failure to do so, without a reasonable excuse therefor, may be deemed good cause for his removal from office.

Commissioner to be heard in his defense.

Common Council may compel attendance of witnesses.

Possession of offices, books, etc., to be given to commissioner.

(§ 392.) Sec. 4. When a Commissioner of Public Works shall have been appointed and qualified as herein provided, it shall be the duty of the Superintendent of Public Works of the City of Detroit to surrender to him possession of the offices occupied by said Superintendent of Public Works, together with all books, records, papers, property and money belonging or appertaining to said Department of Public Works, and from thenceforth the custody and possession of the same shall be vested in the Commissioner of Public Works, acting for and on behalf of the City of Detroit. In case the Superintendent of Public Works shall refuse or neglect to surrender such possession on demand, it shall be the duty of the Commissioner of Public Works to apply to any court of competent jurisdiction for a writ of mandamus to compel the Superintendent of Public Works to surrender such possession to him.

(§ 393.) Sec. 5. From and after the appointment and qualification of a Commissioner of Public Works, under this Act, as hereby amended, said Commissioner shall have power and authority to establish a system of grades for all streets and alleys, and when established, the same shall not be changed without a two-thirds vote of the aldermen elect. He shall likewise have authority to lay out and establish a system of sewers for the entire city to be designated on the general plan of streets and alleys. He shall supervise the grading, paving, re-paving and cleaning of streets and alleys and public grounds, the construction, repairing and alterations of public wharves, docks, bridges, culverts, receiving basins, drains, sewers, walks, crosswalks, and all public buildings, the supervision of which shall not be otherwise provided by law, and all moneys for such purposes shall be expended under his supervision, and when done by contract, shall be done under contract and specifications prepared by him, and approved by the Common Council. He shall advertise for proposals when directed by the Common Council, or required by the charter of said city for work to be done, or for materials to be furnished by contract, and shall let such contract to the lowest responsible bidder: Provided, He may reject all proposals received. He shall have all the powers, duties and functions heretofore vested in, and exercised by the former Board of Public Works, or the present Superintendent of Public Works, except as herein altered or modified; which said powers, duties and functions shall be vested in and be exercised by the Commissioner of Public Works, and he shall take the place of said Board, and of the Superintendent of Public Works in the municipal government of the City of Detroit.

Grades for streets.

Sewers.

Grading, paving and cleaning streets, etc.

Work to be done under contract.

Proposals to be advertised for.

Contracts to be let to lowest responsible bidder.

Proviso.

Powers and duties of commissioner.

(§ 394.) Sec. 6. As soon as practicable, after the appoint-

Secretary.

ment and qualification of a Commissioner of Public Works, under this Act, it shall be his duty to appoint a Secretary of the Department of Public Works, and a City Engineer, and such other subordinate officers and employes of the department as the Common Council of the city heretofore or may hereafter create and establish by ordinance, resolution or other action of said Council. Said Secretary and City Engineer, with all other officers, clerks, employes of the department, including those now holding office under the Board of Public Works, shall hold office, and their employments be subject to the pleasure of the Commissioner of Public Works, and vacancies may be filled and new appointments may be made by him whenever, in his judgment, the public service may require.

Subordinate officers and employees.

Term of Subordinates.

(§ 395.) Sec. 7. The Commissioner of Public Works, the Secretary and City Engineer, and all officers, clerks, and employes of the department shall be ineligible, while they hold their respective offices or employments to any office elected by the people, and if nominated for any such office and they do not publicly decline the nomination within ten days succeeding the same, they shall be deemed to have resigned and to have vacated their office, and they shall not receive any salary or compensation from the city. The acceptance of any other appointive office by any incumbent shall vacate said office of Commissioner.

Not eligible to elective office.

(§ 396.) Sec. 8. The Commissioner of Public Works shall have no power to enter into any contract, for or in behalf of the City of Detroit, without the consent or approval of the Common Council. No debt or liability of any kind shall be created by or on account of said department during any one fiscal year, in excess of the moneys then in the proper fund thereof, or which may have been authorized to be raised by the common

Contracts to be approved by Council.

Debts not to be in excess of funds.

council for the said year. All bills, accounts, and claims of every character against the said department shall after having been duly audited by said commissioner and certified by him and the secretary, be transmitted to the city controller, who shall submit the same to the common council with his approval. When said bills, accounts and claims shall have been allowed by the common council, the controller shall draw his warrant or warrants on the city treasurer in payment therefor. Provided, however, That no bill, account or claim against said department shall be audited by the commissioner, unless it shall be accompanied by an affidavit of the person rendering it, that he verily believes the services of property therein charged have been actually performed, or delivered to the city, and that the sums charged therefor are reasonable and just, and that to the best of his knowledge and belief no offset exists or payment has been made on account thereof, except such as are included or referred to in such bill, account or claim. All pay rolls shall be certified by said commissioner and secretary, and shall be approved by the common council and be delivered to the city controller, who shall draw his warrants for the payment thereof and deliver the same to the city treasurer, together with said pay roll, and said city treasurer shall pay the amounts mentioned in said pay roll to the persons entitled thereto.

Bills and accounts to be audited by commissioner.

Approved by controller and submitted to Council.

How paid.

To be accompanied by affidavit of claimant.

Pay rolls, how paid.

(§ 397) Sec. 9. The Commissioner of Public Works shall receive from the city an annual salary of five thousand dollars, the Secretary of the department shall receive an annual salary of two thousand five hundred dollars, and the City Engineer shall receive an annual salary of three thousand dollars, each payable in semi-monthly installments; and the other officers, clerks and employes of the department shall receive such salary

Salary of commissioner.

Secretary.

Engineer.

Compensation of other employees.

or compensation as the Common Council has prescribed, or may hereafter prescribe; all to be paid on pay rolls as above provided.

Office of "superintendent of public works" abolished.

(§ 398) Sec. 10. The office of the Superintendent of Public Works of the City of Detroit is abolished from and after the appointment and qualification of a Commissioner of Public Works provided by this Act.

Commissioner to file estimates.

(§ 399) Sec. 11. The Commissioner of Public Works shall annually, before the first day of February, file with the City Controller an estimate of the amount of money required to be raised by taxation for the next fiscal year, for the general sewer and road funds, district road fund, public works general fund, and for such other funds and purposes as may be, in his judgment, required for his department, or as may be ordered or established by the Common Council. Said estimate shall, so far as practicable, be made in detail, and so much of the total estimate for each of said funds or purposes, as shall be approved by the Common Council, shall be raised by general taxation: Provided, That the kind of material with which the streets shall be repaved shall be determined by said Commissioner. The Commissioner of Public Works shall be a member of the Board of Estimates of said city.

Commissioner a member of board of estimates.

This Act is ordered to take immediate effect.

[The foregoing act was approved May 4, 1901. The act approved February 15, 1901, of which this act is amendatory, provided for a provisional appointment by the governor. This feature of the act was declared unconstitutional by the Supreme Court in Moreland vs. Millen, et al., 126 Mich., 381.—Compiler's note.

ISSUING OF BONDS FOR CONSTRUCTION OF PUBLIC SEWERS.

An Act to authorize the City of Detroit, County of Wayne, State of Michigan, to issue bonds for the purpose of constructing public sewers in said city.

Authorized to borrow money.

(§ 400.) Section 1. The People of the State of Michigan, enact, That the Common Council and the Board of Estimates of the City of Detroit, County of Wayne, State of Michigan, be and are hereby authorized and empowered to borrow money on the faith and credit of said city, and to issue bonds therefor to an amount not to exceed one million dollars, pledging the faith and credit of said city of Detroit for the payment of the principal and interest of the same, which money shall be expended for the construction of public sewers in the said city of Detroit: *Provided*, That a majority of the qualified electors of the said City of Detroit, voting at any regular charter election in said city, shall vote in favor of such loan: *And provided also.* That at any one election the amount so voted shall not exced the sum of five hundred thousand dollars.

Proviso.

Proviso.

May issue bonds.

(§ 401.) Sec. 2. If such loan shall be authorized by a majority of such electors, said bonds shall be issued in such sums, not exceeding the amount hereinbefore limited, and payable at such times and with such rate of interest, not exceeding four per cent per annum, as said Common Council and said Board of Estimates shall direct, and shall be payable in not less than five nor exceeding fifty years from date. They shall be issued under the seal of the city, signed by the mayor, and countersigned by the controller, and said bonds shall be denominated "Public sewer bonds of the City of Detroit," and shall be regularly dated and numbered in the order of their issue, and shall be of such denomination as said Common Council and said Board of Estimates shall direct. Said bonds shall not be negotiated at less than their par value.

How denominated.

Shall not be sold.

Controller to keep record of bonds.

(§ 402.) Sec. 3. The controller shall keep an accurate record of said bonds, showing the class of indebtedness to which they belong, the number, date, and amount of each bond, its rate of interest, when and where payable, and the person to whom it was issued. The proceeds of said bonds shall be paid to the city treasurer and be credited to the "public sewer fund," and be applied exclusively to the purposes for which said fund is constituted as above.

This act is ordered to take immediate effect.

Approved June 30, 1891.

AN ACT

To Establish a Department of Public Works in and for the City of Detroit and to Repeal all Acts or Parts of Acts in conflict therewith.

For the act amendatory of the following act and creating the office of Commissioner of Public Works, see page 240.

The People of the State of Michigan enact:

Office of Superintendent of Public Works created.

(§ 402 a) Section 1. There shall be a department in the municipal government of the City of Detroit to be known as "The Department of Public Works" of the City of Detroit, and the responsible head of said department shall be an officer to be known as "Superintendent of Public Works." The person appointed to said office shall qualify by taking and filing with the City Clerk the oath of office prescribed by the Constitution of this State, and he also shall file with said Clerk a bond in the penal sum of fifty thousand dollars with surety or sureties to be approved by the City Controller conditioned for the faithful performance of the duties of the office.

Bond of Superintendent.

Provisional appointments by the governor.

(§ 402 b) Sec. 2. Within five days after this Act takes effect, a provisional appointment to said office shall be made by the Governor of this State, and the person so appointed shall hold said office until the third Tuesday of January, nineteen hundred and two, when an appointment to said office shall be made by the Mayor of said city. The person so appointed by the Mayor shall hold the office for the then ensuing term of four years and until his successor is appointed and qualified. On the second Tuesday in January, preceding the expiration of said term of four years, and on the second Tuesday in January, preceding the expiration of each succeeding term of four years, an appointment to said office shall be made by the Mayor. Any vacancy occurring in said office, by death, resignation, or otherwise, before the third Tuesday of January, nineteen hundred and two, shall be filled by an appointment by the Mayor. The person so appointed shall hold the office for the balance of the provisional term; and any vacancy occurring after said provisional

Appointment by the mayor.

Term of office.

Vacancy.

term, shall also be filled by an appointment by the Mayor. The person so appointed shall hold office for the balance of the regular term of four years.

Removal of Superintendent.

(§ 402 c) Sec. 3. The Common Council may by a vote of two-thirds of all the members elect remove from office any Superintendent of Public Works for corrupt or wilful malfeasance or misfeasance in office, or for wilful neglect of the duties of his office, and in any such case the reason of such removal shall be entered on the record of the Common Council with the names and votes of the members voting on the question, and any person so removed from said office shall not be eligible to reappointment to said office: Provided, however, That no Superintendent of Public Works shall be removed from office by the Common Council unless first furnished with a copy of the charges in writing and allowed to be heard in his defense, with the aid of counsel; and for the purpose of determining the truth of any such charges the Common Council shall have power to issue subpoenas, to compel the attendance of witnesses, and the production of papers when necessary, and shall proceed within thirty days after service of a copy of the charges to hear and determine upon the merits of the case. If such officer shall neglect to appear and answer such charges, his failure to do so, without a reasonable excuse therefor, may be deemed good cause for his removal from office.

Surrender of books, papers etc.

(§402 d) Sec. 4. When a Superintendent of Public Works shall have been appointed and qualified as herein provided, it shall be the duty of the present Board of Public Works of the City of Detroit to surrender to him possession of the offices occupied by said board, together with all the books, records, papers, property and money belonging or appertaining to said Board of Public Works, and from thenceforth the custody and possession of the same shall be vested in the Superintendent of Public Works, acting for and on behalf of the City of Detroit. In case the Board of Public Works shall refuse or neglect to surrender such possession on demand, it shall be the duty of the Superintendent of Public Works to apply to any court of competent jurisdiction for a writ of mandamus to compel said Board of Public Works to surrender such possession to him.

DEPARTMENT OF PUBLIC WORKS

(§ 402 e) Sec. 5. From and after the appointment and qualification of a Superintendent of Public Works under this Act, all the powers, duties and functions heretofore vested in and exercised by the Board of Public Works, excepting as herein altered or modified, shall be vested in and be exercised and performed by the Superintendent of Public Works, and he shall take the place of said board in the municipal government of the City of Detroit. Powers and duties of superintendent

(§ 402 f) Sec. 6. As soon as practicable after the appointment and qualification of a Superintendent of Public Works, under this Act it shall be his duty to appoint a Secretary of the Department of Public Works and a City Engineer and such other subordinate officers, clerks and employes of the department as the Common Council of the city has heretofore, or may hereafter create and establish by ordinance, resolution or other action of said Council. Said Secretary and City Engineer, and all other officers, clerks and employes of the department, including those now holding office under the Board of Public Works, shall hold office and their employments subject to the pleasure of the Superintendent of Public Works, and vacancies may be filled and new appointments may be made by him whenever, in his judgment, the public service may require it. Appointment of subordinates

(§402 g) Sec. 7. The Superintendent of Public Works, the Secretary and City Engineer and all officers, clerks and employes of the department shall be ineligible, while they hold their respective offices or employments, to any office elected by the people, and if nominated for any such office, and they do not publicly decline the nomination within ten days succeeding the same, they shall be deemed to have resigned and to have vacated their office, and they shall not receive any further salary or compensation from the city. Officers ineligible to hold other office

(§ 402 h) Sec. 8. The Superintendent of Public Works shall have no power to enter into any contract or to incur any indebtedness or liability or to dispose of any property or pay out or disburse any money for and in behalf of the City of Detroit, without the consent and approval of the Common Council of said city. Limitation of powers to contract

Salaries

(§ 402 i) Sec. 9. The Superintendent of Public Works shall receive from the city an annual salary of five thousand dollars. The Secretary of the department shall receive an annual salary of two thousand and five hundred dollars, and the City Engineer shall receive an annual salary of three thousand dollars, each payable in monthly installments, and the other officers, clerks and employes of the department shall receive such salary or compensation as the Common Council has prescribed, or may hereafter prescribe; all to be paid on pay rolls submitted to the Controller of the city and approved by the Common Council before payment is made.

Board of Public Works abolished

(§ 402 j) Sec. 10. The Board of Public Works of the City of Detroit and the officers of the members of said board are abolished from and after the appointment and qualification of the Superintendent of Public Works provided by this Act.

This Act is ordered to take immediate effect.

Approved February 15, 1901.

CHAPTER XVI.

BOARD OF FIRE COMMISSIONERS.

An Act to create a Fire Commission in the City of Detroit.

Approved March 18, 1871.

(§ 403.) Section 1. *The People of the State of Michigan enact*, That all powers and duties connected with and incident to the government and discipline of the fire department of the city of Detroit shall be, as hereinafter more especially provided, vested in and exercised by a board, composed of four commissioners, a majority of whom shall constitute a quorum for the transaction of business.

Fire Commission constituted.

(§ 404.) Sec. 2. There are hereby appointed as such commissioners Theodore H. Hinchman, who shall hold his term of office until the first day of April, eighteen hundred and seventy-one; William Duncan, who shall hold his term of office until the first day of April, eighteen hundred and seventy-two; Lucretius H. Cobb, who shall hold his term of office until the first day of April, eighteen hundred and seventy-three; and Benjamin Vernor, who shall hold his office until the first day of April, eighteen hundred and seventy-four; and every commissioner appointed at the end of said terms shall hold his office for four years, or until his successor is appointed, except in cases of death, resignation or removal; and all successors shall be appointed by the common council on the nomination of the mayor.

Commissioners and terms of office.

CHAPTER 16. BOARD OF FIRE COMMISSIONERS.

Council may remove Commissioners.

(§ 405.) Sec. 3. Any member of said board of commissioners may at any time be removed by a vote of two-thirds of the members elect of the common council of said city, for sufficient cause, and the proceedings in that behalf shall be entered on the journal: *Provided*, That the said common council shall previously cause a copy of the charges preferred against such member sought to be removed, and notice of the time and place of hearing the same, to be served on him ten days at least previous to the time so assigned, and opportunities be given him to make his defense personally and by counsel.

Proviso.

Qualification of Commissioners.

(§ 406.) Sec. 4. Immediately after their appointment, such commissioners shall meet in the office of the city controller of the city of Detroit, and file with the controller the oath of office prescribed for the city officers, and the controller shall give to each a certificate of appointment for the respective terms of office aforesaid.

Organization of Board.

(§ 407.) Sec. 5. Said commissioners, on being qualified, shall meet and organize by electing one of said commissioners to be president, and appointing a person to be secretary; whereupon they shall possess and have the power and authority conferred upon or possessed by any and all persons in the city of Detroit for the prevention and extinguishment of fires, and to the exclusion of all such persons, together with such other powers and duties in said city as are hereinafter conferred.

Powers and name of Board.

(§ 408.) Sec. 6. Such commissioners shall take and have, as provided by this act, control and management of all officers, men, property, measures, and action for the prevention and extinguishment of fires within the said city, to be organized as herein provided, and to be known as the "fire commission of the city of Detroit."

(§ 409.) Sec. 7. The said fire commission is hereby empowered and directed to possess and exercise fully and exclusively all the powers and perform all the duties for the government, management, maintenance, and direction of the fire department of the city of Detroit, and the premises and property thereof, which at the time of the organization of said commission were possessed by or under the control of the common council of said city, and the officers of the fire department of said city or the officers or employes of said city; said powers and duties to be performed and exercised and said property used in the said city or otherwise, as hereinafter provided. And the said commission shall hereafter have sole and exclusive power and authority to extinguish fires in said city of Detroit, and all acts conferring upon any other officer and officers any power in relation to extinguishment of fires in said city, are hereby repealed.

To have entire control of the extinguishment of fires.

(§ 410.) Sec. 8. It shall be the duty of the board of commissioners, subject to the provisions of this act, to provide in and for said city all needed supplies, horses, tools, implements, engines, and apparatus of all kinds for the extinguishment of fires; to provide fire telegraphs, to select suitable locations for engine-houses, reservoirs, and fire-hydrants, and to buy and sell the same in their discretion; and also to construct, repair and maintain engine-houses, reservoirs and fire-hydrants, as they shall judge best, when, and so long as the construction, repairs, and maintenance thereof are not otherwise by law committed to another board, and to take all such actions in the premises as may be necessary and proper for carrying into effect the duties herein required.

Board to provide all necessary apparatus.

To control all property pertaining to fire department.

(§ 411.) Sec. 9. The commission hereby created is hereby empowered and directed to possess and exercise full and exclusive power and discretion for the government, management, and direction of the several buildings, premises, and property, and appurtenances thereto, and all apparatus, hose, implements, and tools of any and all kinds, which, at the time of the appointment of the commissioners aforesaid shall be under the charge and control of any and all city officers, or officers of the fire department in said city, for the use and benefit of the fire department of the city of Detroit; and it shall be the duty of any and all persons in possession of any property, real or personal, belonging to or set apart for, or in use by or for the fire department of said city, to deliver the same to the possession and control of the said commission.

Vacation of office.

(§ 412.) Sec. 10. Any one of said commissioners shall be considered as vacating his term of office in the event of his accepting or holding any political office, and any commisioner who shall, during the term of his office, be publicly nominated for any office elective by the people, and shall not decline the said nomination within ten days succeeding notice of the same, shall in either case be deemed to have vacated his office.

Commissioners to file estimate.

(§ 413.) Sec. 11. It shall be the duty of the commissioners to prepare and file with the city controller, on or before the fifteenth day of February in each year, an estimate of the whole cost and expense of providing for and maintaining the fire department of said city, during the next ensuing fiscal year, which estimate shall be in detail, specifying the objects of expenditure, the sums desired for each, and the reasons for the same, which shall be laid by the controller before the common council with

the annual estimates. Such estimates, or so much thereof as the common council shall approve, shall be submitted to the approval of the board of estimates of said city, and so much of said estimates as shall be approved by said board of estimates shall be placed upon the general assessment rolls, and shall be assessed, levied and collected the same as other city taxes. Said money, when collected, shall be paid into the city treasury, and shall be styled the "Fire Commission Fund." (As amended by Act approved April 9, 1897.)

Name of fund.

(§ 414.) Sec. 12. On and after July first, eighteen hundred and ninety-seven, all pay rolls, bills, accounts and claims of every character against the commission, shall, after having been duly audited by the commission, approved by the president and certified and properly vouchered by the secretary of the commission, be transmitted to the city controller, who shall submit the same to the common council with his approval or disapproval. When said pay rolls, bills, accounts and claims shall have been allowed by the common council, the the controller shall draw his warrant (warrants) on the city treasurer in payment therefor; provided, however, that no bill, account or claim against the commission shall be audited or allowed by the commission unless the same shall be accompanied with an affidavit of the person rendering the same, that he verily believes that the services or property therein charged have been actually performed or delivered for the city, that the sums charged therefor are reasonable and just, and that to the best of his knowledge and belief no offset exists nor payment has been made on account thereof, except such as are included or referred to in such account or claim:

Payment of pay-rolls, bills, claims, etc.

And provided, further, that the fire commission shall, up to and including June thirtieth, eighteen hundred and ninety-seven,

draw their warrant, signed by the secretary and countersigned by the president, directly on the city treasurer in payment of all bills, accounts and claims allowed by the commission, and the city treasurer shall honor and pay said warrants as above provided. (As amended by Act approved April 9, 1897.)

Board to furnish offices, etc.

(§ 415.) Sec. 13. Said commissioners shall provide such offices and business accommodation for the transaction of their business, and that of their subordinates, in said city of Detroit, as shall be necessary. They shall have the power to select a chief and one or more assistant engineers, together with engineers, foremen, drivers, pipemen, firemen and such other officers as may be necessary for the efficient working of said department, and to fix their salaries: *Provided*, That the number of men to each fire engine or hook and ladder company shall not exceed twelve, who shall discharge such duties as may be designated, and be at all times under the control of and subject to removal by said commissioners. (As amended by Act approved March 15, 1882.)

Chief and assistant engineers.

Salaries.

Proviso.

Fire department to have right-of-way.

(§ 416.) Sec. 14. The aforesaid officers and men, with their apparatus of all kinds, when on duty shall have the right of way going to and at any fire, or in any highway, street or avenue, over any and all vehicles of any kind, except those carrying United States mail; and any person in or upon, or owning any vehicle, who shall refuse the right of way, or in any way obstruct any fire apparatus or any of said officers while in the performance of duty, shall be guilty of a misdemeanor, and he liable to punishment for the same.

All property to be transferred to commission.

(§ 417.) Sec. 15. On and after the organization of the commission, all real estate, fire apparatus, hose, implements ,tools,

bells and bell-towers, fire telegraph, and all property of whatever nature then or therefor in use by the firemen, or fire department of the city of Detroit, belonging to said city, shall be transferred by all persons having charge of the same to the keeping and custody of the fire commissioners hereby created, and for the use thereafter of said commissioners; but the said property shall remain the property of the mayor, aldermen and common council of the city of Detroit, subject to the public uses of the said commissioners, as aforesaid, and for the purposes provided by this act.

No compensation to Commissioners.

(§ 418.) Sec. 16. Said commissioners shall receive no compensation whatever for their services, but all persons employed by them as firemen shall be exempt from military and jury duty while so employed.

Legal rights and powers.

(§ 419.) Sec. 17. The commission hereby created may adopt a common seal and direct its use, and in the name of its president may institute and maintain suits and proceedings at law and in equity, and may pay any costs, expenses or judgments therein, for the enforcement of its rights and contracts, and for the protection, possession and maintenance of the property under its control; and may also, in like manner, sue for, and have exclusive right to recover, the fines and penalties mentioned in or imposed by the city ordinances for the more effective prevention of fires and the better protection of life and property in the city of Detroit; and all sums recovered shall be for the benefit of the funds of said commission.

Cisterns, etc., transferred to Board.

(§ 420.) Sec. 18. All cisterns and fire-hydrants belonging to or now in use by the fire department of the city of Detroit, are hereby transferred to the control of said commission; and it shall

be competent for said commissioners at any time, in their best judgment, to send any steam fire or other engine, with hose and apparatus, to the relief of any community in the vicinity of said city.

Power to send assistance to fires in vicinity

(§ 421.) Sec. 19. The office of fire marshal, as now existing in said city of Detroit, is hereby declared to be abolished from and after the organization of said commission, and the duties thereof transferred to the person who shall be designated therefor, as provided in section fourteen (26) of this act.

Office of Fire Marshall as now existing abolished.

(§ 422.) Sec. 20. All acts and parts of acts contravening the provisions of this act are hereby repealed, but such repeal shall not take effect until the actual organization of the commission hereby created; *And provided*, That nothing herein contained shall affect the rights of the corporation known as the fire department of the city of Detroit, organized January twentieth, eighteen hundred and forty, under its act of incorporation, and acts amendatory thereof.

Contravening acts repealed.

(§ 423.) Sec. 21. Said board shall have power to adopt such rules and regulations for the government of the force created by this act, as they shall deem fit and proper, not inconsistent with the laws of this State, and the violation of such rules and regulations shall be sufficient and good cause for dismissal from the force.

Rules, etc., for government of force to be made by Board

(§ 424.) Sec. 22. The board of commissioners shall, on or before the first Monday in April in each year, report, in writing, the condition of the fire department within the said city to the common council, together with a list of fires, alarms, losses and insurances on all property destroyed during the year.

(§ 425.) Sec. 23. The common council of Detroit is hereby empowered and directed annually to order and cause to be collected and raised by tax upon the estates, real and personal, subject to taxation according to law, within the said city of Detroit, the sums of money, as aforesaid, annually estimated for the said total expense of the said fire department, authorized by this act.

Council to order levy and collection of tax for Fire Department.

(§ 426.) Sec. 24. The books and accounts kept by said board shall at all times be subject to the inspection of the mayor and controller; and the common council may, at any time, require any information respecting the same, the disclosure of which will not impair the usefulness and efficiency of the fire department.

(§ 427.) Sec. 25. This act shall take immediate effect.

Books, etc., open to inspection.

(§ 428.) Sec. 26. The board of fire commissioners shall nominate, and by and with the consent of the common council, appoint a fire marshal and such assistants as may be by them deemed necessary, and determine their salaries. Said fire marshal shall act under direction of the fire commission; shall hold office at their option, and his salary shall be paid from the fire department fund. The fire marshal shall, by virtue of his office, be vested with the powers of policemen in said city. (As amended by Act No. 364, session laws of 1877.)

Fire Marshal appointment of, etc.

(§ 429.) Sec. 27. The fire marshal shall be present at all fires in said city, if practicable; shall, when necessary, make recommendations of precautionary measures for the prevention of fires; shall prevent the transportation and storing within the city limits of all explosive oils, naphtha, benzine, or their products, under whatever name; fireworks, fire-crackers, powder, nitro-

glycerine, dynamite, or any other dangerous substances, excepting only in such quantities as the common council may by ordinance designate; and he shall enforce all ordinances governing the same, and the cleaning of chimneys ,and perform such other duties as the fire commission may direct. (As added by Act No. 364, session laws of 1877.)

Certain duties.

(§ 430.) Sec. 28. The fire commission shall have power, subject to the approval of the common council, to agree with all persons interested in private property as to the compensation for taking or using the same for public use or benefit by said board. And in case no agreement can be entered into, the board shall report the facts to the common council, together with a description of the property necessary to be taken, and the purposes for which it is to be used; and thereupon the common council may direct the city attorney to institute proceedings in the recorder's court of said city to condemn said property. (As added by Act No. 364, session laws of 1887.)

Condemnation of property for public use.

Erection, etc., of buildings within fire limits.

(§ 431.) Sec. 29. Whenever any person or corporation shall be desirous of erecting or altering any building within the fire limits of said city, he or they shall make application at the office of the fire marshal for a permit for that purpose, and shall furnish for the examination of said marshal a written statement of the proposed location, the dimensions, the manner of constructing the proposed building or alteration, the material to be used, the estimated cost, and the contract time for completion. It shall be the duty of the fire marshal, on receiving such application, to inspect such location, the plans and specifications, and to fully examine the question of granting such permit. And if he shall be satisfied that the building or alterations proposed will comply

with the ordinances of the city, and that the erection of the same will in every other respect be proper, he shall, subject to the approval of the board of fire commissioners, give such applicant a permit therefore; and such applicant shall pay to the fire marshal the sum of one dollar, if the estimated cost of said building or alteration shall be less than one thousand dollars; two dollars if it shall be more than one thousand dollars and less than five thousand dollars; and for every additional one thousand dollars over five thousand dollars the further sum of twenty cents. (As added by Act No. 364, session laws of 1877.)

Permit and fees for same.

(§ 432.) Sec. 30. It shall be the duty of the fire marshal to visit and inspect each house or building which may be in the course of construction, erection or alteration within the fire limits of said city, and to see that such house or building is being erected, constructed or altered according to the provisions of the city ordinances and the permit so granted, and in a manner adapted for the security thereof against fires, and for the safety of the occupants. His visits of inspection may be repeated from time to time until such house or building is completed, when he shall furnish the owner or contractor with a certificate that said house or building is in all respects conformable to law and properly constructed, and all such certificates shall be countersigned by the president or acting president of the fire commission. The fire marshal shall have power to stop the erection, repair or alteration of any building or shed until a permit is given, or during the progress of the work, if the same is not deemed safe, or if it does not in all respects comply with the laws and ordinances governing the same. He may also cause the removal or repair of any building, shed, smoke-stack, chimney, boiler, stove or other

Powers and duties of Fire Marshal relative to buildings in course of erection, etc.

May stop work on any building.

heating appliance that is not considered safe, or that does not comply with the ordinances. (As added by Act No. 364, session laws of 1877.)

Fire Marshal to examine into origin of fires, take testimony and make report.

(§ 433.) Sec. 31. It shall be the duty of the fire marshal to examine into the cause, circumstances and origin of all fires occurring in said city by which any building, erection, vessel or valuable personal property shall be accidentally or unlawfully burned, destroyed or damaged, and to especially inquire and examine whether such fire was the result of carelessness or the act of an incendiary. The said fire marshal shall take the testimony, under oath ,of all persons supposed to be cognizant of any facts connected with such fire; such [said] testimony shall be reduced to writing, and shall be transmitted to the board of fire commissioners, together with a report by the fire marshal, embodying his opinions and conclusions regarding the same. The fire marshal shall also report to the superintendent of police, to the prosecuting attorney of Wayne county, to the Detroit board of underwriters, and to the owners of the property or other persons interested in the subject matter of such investigation, any facts or circumstances which he may have ascertained which shall, in his opinion, require attention from or by any of said officers or persons. (As added by Act No. 364, session laws of 1877.)

Fire Marshal to inspect shops, warehouses, etc.

(§ 434.) Sec. 32. It shall be the duty of the fire marshal to inspect, from time to time, all buildings, warehouses, shops, yards and places in said city for the purpose of enforcing the ordinances for the prevention of fires, the protection of hoistways, the protection of life, and the inspection of chimneys; and in the performance of such duties he shall have the right to enter into and upon any private property, and any person who shall refuse or

May enter upon private property.

obstruct such right of entry shall be deemed guilty of a misdemeanor. (As added by Act No. 364, session laws of 1877.)

Common Council may extend fire limits.

(§ 435.) Sec. 33. The common council may, on the recommendation of the fire commission, or of the property owners interested, extend the fire limits over all such portions of the city as are thickly settled, and over such other parts of the city as it may be deemed necessary, to prevent the spread of fires. The common council shall also adopt ordinances to fully carry out the provisions of this act. (As added by Act No. 364, session laws of 1877.)

Fire Commission to see to enforcement of certain ordinances.

(§ 436.) Sec. 34. The fire commission shall see that all ordinances and provisions of law governing the prevention and extinguishment of fires are faithfully enforced, and that the duties of the fire marshal are properly performed. They may at any time call upon the police force to aid them in the enforcement of such laws and ordinances; and the police commission and police force shall, when requested, promptly render such service. (As added by Act No. 364, session laws of 1877.)

Police Force to aid them.

Shall make monthly reports.

(§ 437.) Sec. 35. The fire commission shall, once each month, file with the city controller and city treasurer a report giving date when, names and amounts of all moneys collected by the fire marshal for permits or certificates, and also of all amounts collected for penalties on information given, or complaints made, by him. They shall also report all moneys received for the sale of fire department property, real estate, horses, old hose or material of any kind, and shall at the time of filing said report cover all moneys so collected into the city treasury for the credit of the fire commission fund. (As amended by Act approved April 9, 1897.)

Report of Fire Marshal.

(§ 438.) Sec. 36. On or before the fifteenth day of February in each year, it shall be the duty of the fire marshal to make a detailed report of all business transacted in his office during the year, to the fire commission, who shall embody the same in their annual report to the common council. (As added by Act No. 364, session laws of 1877.)

Repealed.

(§ 439.) Sec. 37. That portion of section thirteen of the act approved March eighteen, eighteen hundred and seventy-one, entitled "an act to create a fire commission in the city of Detroit," and such other portions of said act that contravene the provisions of this act, are hereby repealed. (As added by Act No. 364, session laws of 1877.)

Leave of absence, members Fire Department.

(§ 440.) Sec. 38. The leave of absence of all officers of said department above the rank of captain shall be, for each, one day of twenty-four hours off duty in every five days, and a furlough of fourteen days once per year. The leave of absence of all officers and men in said department below the rank of chiefs of battalion shall be, for each, one day of twenty-four hours off duty in every five days, and a furlough of ten days once per year. (As added by Act approved May 7, 1897, and amended by Act approved May 17, 1899. The Act of May 7, 1897, repealed all acts and parts of acts inconsistent therewith.)

RELIEF OF DISABLED FIREMEN.

An Act to provide for the retirement of aged and disabled firemen, and the payment of pensions to the wives and children of deceased firemen killed in the service of the City of Detroit. (Approved June 16, 1885.)

Retired list of firemen, how composed.

(§ 441.) Section 1. *The People of the State of Michigan enact*, Any person who has been a member of the fire department

of the city of Detroit, or employed by the fire commission of said city for a period of twenty-five years subsequent to October twenty-fourth, A. D., eighteen hundred and sixty, may be placed on the list of retired firemen on account of disability, by vote of said commission. Any person in the employ of said commission who may hereafter be totally disabled in the discharge of his duty, as such fireman for duty, may in a like manner be placed on the list of retired firemen. And all such retired firemen shall receive a sum equal to one-half of their annual salary paid them at the time of their retirement, annually thereafter, to be paid in twelve monthly payments during the remainder of their natural lives, such moneys to be collected and paid in the manner hereinafter provided; *Provided, however,* That no person so retired shall receive more than four hundred and fifty dollars per annum; *And provided further,* That said commission may place on the list the name of persons who become totally disabled in the employ of said commission prior to the passage of this act.

Disabled in discharge of duty.

Retired firemen, howto be paid.

Limitation.

(§ 442.) Sec. 2. In case any person in the employ of the fire commission of said city of Detroit shall be killed while in the discharge of his duty or shall receive injuries which result in his death within one year thereafter, the widow first, or children, if there is no widow, and if such person shall leave no widow nor children, then mother of such person, if dependent upon him for support, shall by vote of the fire commission be paid a pension. The widow or dependent mother shall receive the sum of three hundred dollars annually in equal monthly payments of twenty-five dollars each during the term of her natural life or until she remarries, in which case all payments of moneys under this act to such widow or dependent mother shall cease.

Pensions to families of firemen killed in discharge of duty.

Payment of pensions, to whom made.

In case of the death of such widow the same amount shall be paid to such children as shall be under age of sixteen years at the time of the death of said widow; the money to be equally divided among such children according to the number. In case such deceased person shall leave no widow, but one or more children, such child or children shall receive in equal proportion according to the number of such children, the same amount as would have been paid to the widow, such payments to be made monthly as hereinbefore provided and to continue until such child or children shall attain the age of sixteen years respectively. In case of the death of one or more of the children their share of such pension shall be paid to the survivor, or survivors provided they are under the age of sixteen years. The money for the payment of such persons shall be collected and paid in the manner hereinafter provided. It is provided that the said commissioner and controller may continue on the list of names of four widows whose husbands died from effects of injuries received in the line of their duty prior to the passage of this act.

How pension divided in certain cases.

And provided further, That the said commissioner and controller may continue on the list the names of four children whose father died from the effects of injuries received in the line of his duty prior to the passage of this act, until such children shall attain the age of sixteen years respectively. (As amended by Act approved May 5, 1891.)

Commissioner to report to City Controller

(§ 443.) Sec. 3. Whenever any persons are placed on the retired list, as provided in this act, it shall be the duty of the fire commission to promptly report its action to the controller of the city of Detroit, giving the names of the persons retired, together with a full statement of facts connected with the retirement of such person or persons. It shall be the duty of the con-

troller to register the names of such persons as being retired firemen of the fire department of the city of Detroit, and as hereinafter provided, pay them the moneys due them under this act. Controller to keep register.

(§ 444.) Sec. 4. There shall be kept in the office of the fire commissioner by the secretary, a book to be known as the list of retired firemen. This book shall give a full and complete history and record of the action of the fire commission in retiring any and all persons under this act; such record to give the names, date of joining the department, date of retirement, and the reason therefor, if any, and all persons retired. When the widow or children or dependent mother or either of them shall be entitled to a pension as hereinafter provided, such widow or children or dependent mother shall make application for a pension to the fire commission through the secretary of such commission, on a form to be provided by such commission. Accompanying such application shall be the proof of the marriage of the deceased to the widow claimant, such proof to be established by the marriage certificate or other competent evidence of the marriage relation. Proofs of the births of the children shall be shown by the certificate of the attending physician. The proof of the dependency of a mother shall be shown by the affidavit of such mother and two disinterested persons. All applications and proofs shall be retained in the custody of the fire commission. Whenever such applications for pensions are allowed by the fire commission, due notice of such action, with the names of all the pensioners shall be given to the controller of the city of Detroit, who shall cause such persons to be registered in his office as pensioners of the fire department of the city of Detroit. (As amended by Act approved May 5, 1891.)

Commissioners to keep list of retired firemen, date of retirement, etc.

Proofs required.

Estimates to be submitted by Controller to Common Council.

(§ 445.) Sec. 5. On or before the first day of April in each and every year, the controller shall submit to the common council his estimate of moneys necessary to pay such retired firemen and pensioners as shall be entitled to moneys under this Act, for the fiscal year beginning on the first day of July succeeding the first day of April; and the common council shall appropriate and cause to be levied and collected by taxation such sum of money as shall be required to make the payments provided for by this act. It is further provided, that in his second and all subsequent estimates, the controller shall include a sum equal to the amount of worthless taxes charged back to the fund provided by this act at the end of the preceding fiscal year. All moneys collected under this act shall be placed to the credit of "fire department retired and pension fund," and if at any time the cash balance shall not be sufficient to pay matured claims, the controller is authorized to borrow such further sum as shall be required, provided that such amount shall not exceed the uncollected appropriation.

Tax to be levied.

Fund to be established.

Payment, how made.

(§ 446.) Sec. 6. At the last meeting in each and every month the fire commission shall order the payment of moneys due all persons under this act. A voucher shall be prepared for the payment of each person entitled to moneys, the correctness of the same to be duly certified to by the chairman of the finance committe of the fire commission, and the fact of the allowance of the claim duly attested by the president. The secretary shall then draw his warrant on the controller for the payment of such moneys. The warrant shall be countersigned by the president of the fire commission, and shall state the object for which it is drawn. Upon presentation of the warrant to the controller, he shall draw his warrant on the city treasurer for the amount of

the original warrant, the same to be paid from and charged to the "fire department retired and pension fund."

(§ 447.) Sec. 7. Before issuing any warrant for the payment of a pension, it shall be the duty of the secretary of the fire commission to examine under oath all pensioners, with a view to ascertaining if they are at that time entitled to a pension as provided for in this act. And whenever the said secretary shall learn that any person has ceased to be entitled to a pension as herein provided for, he shall record the fact on the roll of pensioners and promptly notify the controller of such disability, and such person shall be thereupon dropped from the rolls. Pensioners to take oath.

(§ 448.) Sec. 8. All payments under this act shall be made on the first secular day in each month; but when any claims for pensions are allowed after the first day of April in each year, there shall be no payment until after the beginning of the ensuing fiscal year; *Provided, however*, That the first payment shall be for the period intervening between the date of the allowance of such pension and the date of making such first payment; *Provided, further*, Nothing in this act shall in any way make the State liable for the payment of any moneys herein provided for. Time of payment. State not liable.

(§ 449.) Sec. 9. All acts or parts of acts inconsistent with this act are hereby repealed. (Approved June 16, 1885.)

An Act to authorize the first commission of the City of Detroit to grant a pension to Cora Hogan.

The People of the State of Michigan enact:

(§ 450.) Section 1. The fire commission of the City of Detroit is hereby authorized to grant and pay a pension to Cora Pension for Cora Hogan.

Hogan, widow of Thomas E. Hogan, who, while serving as a member of the fire department of the City of Detroit, contracted a cold, in the year nineteen hundred three, on January seventh, which resulted in his death on January eighteenth, nineteen hundred three, in the same manner and to the same extent as though the said Thomas E. Hogan had died within one year from direct injuries, as provided in the act to provide for the retirement of aged and disabled firemen and for the payment of pensions to the widows and children of deceased firemen killed while in the service of the City of Detroit, approved June tenth, eighteen hundred eighty-five.

This act is ordered to take immediate effect.

Approved June 18, 1903.

An Act to authorize the fire commission of the City of Detroit to grant a pension to Mary Neville.

The People of the State of Michigan enact:

Pension for Mary Neville.

(§ 451.) Section 1. The fire commission of the City of Detroit is hereby authorized in their discretion and if, after due investigation, they deem it best so to do, to grant and pay a pension to Mary Neville, widow of Michael J. Neville, who, while serving as a member of the fire department of the City of Detroit, received injuries on March eighteenth, in the year eighteen hundred and ninety-one, which resulted in his death on April nineteenth, eighteen hundred and ninety-three, in the same manner and to the same extent as though said Michael J. Neville had died within one year after receiving such injuries, as provided in "An Act to provide for the retirement of aged and disabled firemen and for the payment of pensions to the wives and children of deceased firemen killed in the service of the City of Detroit," approved June sixteenth, eighteen hundred and eighty-five.

This act is ordered to take immediate effect.

Approved April 30, 1903.

An Act to authorize the fire commission of the City of Detroit to grant a pension to Caroline J. McNamara.

The People of the State of Michigan enact:

(§ 452.) Section 1. That the Fire Commission of the City of Detroit be, and are hereby authorized to grant and pay a pension to Caroline J. McNamara, widow of John H. McNamara, who, while serving as a member of the Fire Department of the City of Detroit, received injuries in the year eighteen hundred eighty-nine, which resulted in his death on October twenty, A. D. nineteen hundred, in the same manner and to the same extent as though said John H. McNamara had died within one year from receiving such injuries, as provided in an Act to provide for the retirement of aged and disabled firemen, and for the payment of pensions to the wives and children of deceased firemen killed in the service of the City of Detroit, approved June sixteen, eighteen hundred eighty-five.

Pension to Caroline J. McNamara.

This Act is ordered to take immediate effect.

Approved April 5, 1901.

CHAPTER XVII.

BOARD OF HEALTH.

An Act to establish a Board of Health for the City of Detroit. (Approved February 27, 1895.)

(§ 453.) Section 1. *The People of the State of Michigan enact:* That the board of health of the City of Detroit, from and after the first day of March, one thousand eight hundred and ninety-five, shall consist of four members who shall be electors and freeholders in the city of Detroit, and who shall be appointed by the governor by and with the advice and consent of the senate. They shall take and file with the secretary of state, the oath of office prescribed for state officers; and their commission shall be issued by the secretary of state and be signed by the governor, the same as in the case of state officers. Two of them and no more, shall be graduates in medicine of at least five years' practice in the city of Detroit. On or before the first day of March, one thousand eight hundred and ninety-five, or as soon thereafter as may be, one member of the said board shall be appointed to hold office one year, one member to hold office for two years, one member to hold office for three years and one member to hold office for four years and until their successors are appointed and qualified.

Board of Health how constituted.

Oath and qualifications.

The term of office of each member of the board, after the termination of the aforesaid terms, shall be four years, and on the expiration of any term a new appointment shall be made in the same manner above prescribed. Any vacancy occurring by

Term of office.

reason of the expiration of any term, when the senate is not in session and any vacancy occurring during the term of any member shall be filled by appointment of the governor and the member so appointed shall hold office until his successor shall be appointed in manner aforesaid. Any or all members of this board may be removed at any time by the governor.

President of Board.

(§ 454.) Sec. 2. The said board shall appoint one of its own number president, and it shall appoint a secretary and a health officer, who shall be a graduate in medicine of at least ten years' practice.

Salary of Health Officer.

The health officer shall receive a salary of not exceeding five thousand dollars a year. The health officer shall hold office during the pleasure of the board. The health officer shall have authority to appoint and dismiss all subordinates and employes. He shall devote his whole time to the sanitary condition of the city and the performance of such duties as may be required by the board or by law.

Board to file estimate.

(§ 455.) Sec. 3. It shall be the duty of the said board, on or before the fifteenth day of February in each year, to file with the city controller an estimate of the amount of money which, in the opinion of the board, will be required for all purposes of expenditures by said board during the next fiscal year, which estimate shall be in detail, specifying the objects of expenditure, the sums desired for each, and the reasons for the same, which shall be laid by the controller before the common council with the annual estimates. Such estimates, or so much thereof as the common council shall approve, shall be submitted for the approval of the board of estimates of said city, and so much of said estimates as shall be approved by said board of estimates shall be placed on

the general assessment rolls, and shall be assessed, levied and collected the same as other city taxes; and such moneys, when so raised, shall be appropriated by said board for the prevention of danger to the public health or other purposes contemplated by this act. In the presence of a great and eminent peril to the public health, by reason of impending pestilence, the said board may report to the Common Council that, in its judgment, the security of the public health requires the expenditure of moneys in the then fiscal year in excess of the annual appropriation for the purposes of said board, as above provided, and the common council may thereupon cause to be placed to the credit of said board, such sum of money as may be required, in the judgment of the Council, such sum to be taken either from the contingent fund, or the same may be raised by temporary loan, payable within such time as the Council may determine, not exceeding three years, and not exceeding in all the sum of one hundred thousand dollars. The money to be so raised or borrowed shall be paid into the city treasury, and shall constitute a fund to be known as the "Public Health Fund." On and after July first, eighteen hundred and ninety-seven, all pay rolls, bills, accounts and claims of every character against the board, shall, after having been duly audited by the board, approved by the president and certified and properly vouchered by the secretary of the board, be transmitted to the city controller, who shall submit the same to the common council, with his approval or disapproval. When said pay rolls, bills, accounts and claims shall have been allowed by the common council, the controller shall draw his warrant (warrants) on the city treasurer therefor: Provided, However, That no bill, account or claim against the board shall be audited or allowed by the board unless the same shall be accompanied with an affidavit of the person rendering

Common Council may appropriate money in excess of annual appropriation.

Name of fund.

Payment of pay-rolls, bills, claims, etc.

Affidavit of claimant.

the same, that he verily believes that the services or property therein charged have been actually performed or delivered for the city, that the sums charged therefor are reasonable and just, and that, to the best of his knowledge and belief, no offset exists nor payment has been made on account thereof, except such as are included or referred to in such account or claim, and, Provided, further, That the board of health shall up to and including June thirtieth, eighteen hundred and ninety-seven, draw their check, signed by the president and secretary of the board, upon the city controller, in payment of all pay rolls, bills, accounts and claims allowed by the board, and the city controller shall draw his warrant upon the city treasurer in favor of the person or persons named as drawee in said check, and the city treasurer shall honor and pay said warrants as above provided. (As amended by Act approved April 28, 1897.)

Act repealed.

(§ 456.) Sec. 4. The acts entitled "An act to provide for the establishment of a board of health for the city of Detroit," approved May twenty-sixth, one thousand eight hundred and eighty-one, and "An act to provide for and confirm the board of health for the city of Detroit, and describe its powers and duties," approved May twenty-fifth, one thousand eight hundred and ninety-three, are hereby repealed, and all officers provided for by said acts are hereby abolished, and the terms of office of the present officers, clerks and appointees of said board shall expire and their offices be declared vacant, upon the passage of this act.

Old Board to turn over property.

(§ 457.) Sec. 5. Immediately upon the appointment of the board of health provided for by this act, the present board of health shall turn over to it all the property, records and offices, hospitals and assets of every name or nature now in its possession or control. And the board hereby constituted shall assume and

pay all lawful claims and liabilities existing at the time of the passage of this act against the existing board of health of said city. Board shall pay all lawful claims.

(§ 458.) Sec. 6. The health officer shall have the power to call upon the city attorney, police department or any of the city officials to enforce the orders of the health department, whenever the regular forces of that department are inadequate. Health Officer may call for assistance.

(§ 459.) Sec. 7. The board of health shall have power to make orders and regulations concerning intercourse with infected places, the apprehension, separation and treatment of persons who shall have been exposed to any infectious or contagious disease; the suppression or removal of nuisances and all such other orders and regulations as they shall think necessary and proper for the preservation of public health, also to enter upon or within any place or premises, where conditions dangerous to the public health are known, or believed to exist, and by appointed members or persons to inspect and examine the same for the protection of life and health and for no other purposes; and all owners, agents and occupants shall permit and facilitate such sanitary examinations, and it shall be the duty of said board of health to furnish such owners or occupants a written statement of results or conclusions of such examination. To regulate and prohibit or prevent all communications or intercourse with all houses, tenements and places and the persons occupying the same, in which there shall be any person who shall have been exposed to any infectious or contagious disease, and to give public notice and warning of infected places to travelers and other persons by placards or by displaying colored flags at proper distances and by all other means which in their judgment shall be most effectual for the common safety. Powers and duties. Infectious or contagious diseases. Removal of nuisances. Inspection of premises. Board to furnish statement of results. Public notice and warning.

Complaints.

(§ 460.) Sec. 8. It shall have power and it shall be its duty to receive and examine into the nature of complaints, made by any of the inhabitants of said city concerning cause of danger or injury to the public health, within the limits of its jurisdiction; to report to the state board of health promptly, facts which relate to infectious and epidemic diseases within their jurisdiction; to require such isolation and quarantining of persons, vessels and sources of infection as shall be in its judgment necessary; to release after an examination from such isolation or quarantine such person, vessels and things as they shall deem it safe so to release, but upon ordering such quarantine or isolation or such release from the same, said board and health officers shall make a record of the facts in the case and of the reasons for the action taken.

Isolation and quarantining

Contagious diseases.

(§ 461.) Sec. 9. It shall be the duty of said board of health to procure suitable places for the reception of persons and things infected with malignant, contagious or infectious diseases, and in all cases where sick persons cannot otherwise be provided for to procure for them medical and other attendance and necessaries, and it shall be the duty of said board to take cognizance of and report every case of small-pox or varioloid occurring within said board's jurisdiction. Said board may take measures and supply agents and afford inducements and facilities for general and gratuitous vaccination and disinfection, as in its opinion the protection of the public health may require. It may forbid and prevent all communication with the house or family infected with any contagious, infectious or pestilential disease except by means of physicians, nurses or messengers to carry the necessary advice, medicines and provisions to the afflicted, and to adopt such means for preventing all communication between any part

Report small-pox and varioloid.

of the city, infected with a disease of a pestilential, infectious or contagious character and all other parts of the city as shall be prompt and effectual.

Suspected vessels.

(§ 462.) Sec. 10. It may order or direct any vessel lying at or near any wharf, landing place or shore of said city from which they shall deem it probable that any infectious or contagious disease may be brought into said city, or communicated to its inhabitants to be removed therefrom to such distance as they shall consafe, and after a copy of the order or resolution of said board certified by the secretary thereof shall be delivered to the person or persons having command of such vessel or to the master, owner or consignee thereof, it shall be the duty of such person or persons, master, owner or consignee, to whom such copy of such order shall be delivered to forthwith comply with the same. And it may order or direct to be removed to a place to be designated by them, all things within the city which in their opinion shall be infected with any matter likely to communicate disease to the inhabitants, and every person who shall violate or neglect or refuse to comply with any such order or provision contained in this section or in the resolution made or passed by the board of health in pursuance thereof, shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be punished by a fine not less than ten dollars not more than five hundred dollars or by imprisonment not exceeding six months or by both fine and imprisonment in the discretion of the court.

May order removal of things infected

Misdemeanor

Quarantining vessels.

(§ 463.) Sec. 11. When the state board of health shall have declared any town or city to be infected with a pestilential, contagious or infectious disease, the board of health of the city of Detroit may in its discretion, subject to quarantine at a place to

be designated by it, all vessels arriving at the port of Detroit, from such infected place, town or city for such time as said board may deem necessary for the protection or safety of the inhabitants of said city, and said board may in its discretion prohibit or regulate the internal intercourse by land or water between the city of Detroit and such infected place, town or city, and may direct that all persons who shall come into the city contrary to their prohibition or regulations shall be apprehended and conveyed to the vessel or place whence they last came, or if sick, that they be conveyed to such place as the board of health shall direct, and it may send to such place as it may direct all persons in the city not residents thereof who shall be sick of any infectious, pestilential or contagious disease, and it may remove or cause to be removed, to a proper place designated by them any person sick with any contagious, pestilential or infectious disease, and shall have exclusive charge and control of any public hospitals for the treatment of such cases. Provided, the city prepares as good, comfortable and suitable rooms as the sick person occupied when taken sick, and shall have power to provide for and pay for the use of proper places to which to remove such persons.

Notice to Board of Health.

(§ 464.) Sec. 12. Said board may, by its rules or ordinances, cause any householder who knows that a person within his family is sick of small-pox, diphtheria, scarlet fever or any other disease dangerous to the public health, and every keeper of a hotel or lodging house who knows that a person within said hotel or house is sick with any such disease to immediately give notice to the board of health of said city, and upon the death or recovery and removal of such person, to cause the rooms occupied and the articles used by him to be disinfected in a manner ap-

proved by said board, and they may by like rules and ordinances cause any physician who knows that a person whom he has called to visit is infected with small-pox, diphtheria, scarlet fever or any other disease dangerous to the public health, to immediately give notice thereof to the board of health. It shall be the duty of said board to cause a record to be kept of all reports received as provided by this section, which record shall contain the name of the persons who are sick, the localities in which they live, their disease and the date and name of the persons reporting any such cases, and the board of health shall give the board of education or the superintendent of schools immediate information of all cases of contagious diseases reported to said board.

Board to keep record of all reports.

(§ 465.) Sec. 13. Every person employing five or more persons in a factory, workshop, mercantile or other establishment or office, or employing children, young persons or women, two or more in number, in a workshop, factory, mercantile establishment or office, shall keep such factory, shop, establishment or office in a cleanly state, and free from effluvia arising from any drain, privy or other nuisance, and such shop, factory, establishment or office shall be provided within reasonable access with a sufficient number of proper closets, earth closets or privies for the reasonable use of the persons employed therein, and whenever five or more male persons and five or more female persons are employed as aforesaid together, a sufficient number of separate and distinct water closets, earth closets or privies shall be provided for the use of each sex, and plainly so designated and no person shall be allowed to use any such closet or privy assigned to the persons of the other sex, and it shall be the duty of every owner, lessee or occupant of any premises so used, to carry out

Sanitary precautions.

Work shops, factories, etc

Water closets, etc., to be provided.

the provisions of this section, and to make the necessary changes therefor, and it shall be the duty of the board of health to enforce the provisions of this section, and any person violating the provisions of this section, shall be deemed guilty of a misdemeanor, but no criminal prosecution shall be made for such violation, until four weeks after notice in writing by the health officer, of the changes necessary to be made to comply with the provisions of this section has been sent by mail or delivered to such person, nor then, if in the meantime, such changes have been made, in accordance with such notification; a notice shall be deemed a sufficient notice under this section to all the members of a firm or to a corporation when given to one member of such firm or to the clerk, cashier, secretary, agent or any other officer, having charge of the business of such corporation or to its attorney, and in case of a foreign corporation notice to the officer having such charge of the factory, establishment or workshop, shall be sufficient, and such officer shall be personally liable to the amount of any fine if execution against the corporation be returned unsatisfied. The expression "factory" means any premises where steam, water or other mechanical power is used in aid of manufacturing there carried on. And the expression "workshop" means any premises, room or place, not being a factory as above defined, wherein any manual labor is therein exercised by way of trade, or for purposes of gain, in or incidental to any process in making, altering, repairing, ornamenting, finishing or adapting for sale any article or part of an article, and to which, or over which premises, room or place, the employer of the persons working therein has the right of access or control: Provided, however, that the exercise of such manual labor in a private house or private room by the family dwelling therein, or by

Sufficient notice.

"Factory" and "work shop" defined.

any of them, or in case the majority of the persons therein employed are members of such family, shall not of itself, constitute such house or room a workshop within this definition, and the aforesaid expressions shall have the meanings above defined for them respectively in the following section hereof.

(§ 466.) Sec. 14. No person shall employ any labor in such factory or workshop in which five or more persons are employed, nor in any factory or workshop in which children, young persons or women, five or more in number, are employed in which there shall be such a want of ventilation while work is carried on therein, that the air shall become so exhausted as to be injurious to the health of the persons employed therein, and which shall not be so ventilated as to render harmless as far as practicable all the gases, vapors, dust or other impurities generated in the course of the manufacturing process or handicraft carried on therein that may be injurious to health, and if a factory or workshop in which any process is carried on by which dust is generated and inhaled, to an injurious extent, by the persons employed therein, and it appears to the health officer that such inhalation could be to a great extent prevented by the use of a fan or other mechanical means, and that the same can be provided without excessive expense, such health officer may direct a fan or other mechanical means of proper construction to be provided within a reasonable time, and such fan or other mechanical means shall be provided, and it shall be the duty of every owner, lessee or occupant of any premises so used, to make the necessary changes therefor as directed by the said board or the health officer, and to bring said premises within the provisions of this section, and any person violating the provisions of this section shall be deemed guity of a misdemeanor, but no

Ventilation

May require use of fan or other means.

Misdemeanor.

No person shall be punished without notice.

person shall be punished therefor until a notice shall have been given to such person, or to the firm or corporation in the manner provided in the preceding section, and at least thirty days before a complaint for such violation shall have been made, nor then if in the meantime such changes have been made in accordance with such notification, and in case changes are made, by order of the board of health or the health officer, by the occupant or lessee of any premises as provided by this or the preceding section, he may recover against any other person having an interest in such premises, such proportion of the expense of making such charges as the court adjudges should justly and equitably be borne by such defendant, and he may retain from any rent payable to such defendant the amount so recoverable as an offset thereto.

Public buildings.

(§ 467.) Sec. 15. Every public building and every school house shall be kept in a cleanly state, and free from effluvia, arising from any drain, privy or other nuisance, and shall be pro-

Schools to be provided with closets, etc.

vided with a sufficient number of water closets, earth closets or privies, for the reasonable use of the persons admitted to such public buildings or of the pupils attending such school house in said city, and shall be ventilated in such a proper manner that the air shall not become so exhausted as to be injurious to the health of the persons present therein, and the provisions of this section shall be enforced by the board of health, and whenever it shall

May require further sanitary provisions

appear to said board that further or different sanitary provisions or means of ventilation, are required in any public building or school house, in order to conform to the provisions of this section and that the same can be provided without incurring unreasonable expense, said board of health may issue a written order to the proper person or authority directing such sanitary

provision or means of ventilation to be provided, and they shall thereupon be provided, in accordance with such order, by the public authority, corporation or persons having charge of, owning or leasing such public building or school house, and any public officer, corporation or person neglecting for four weeks, after receipt of an order from said board of health, as provided in this section, to provide the sanitary provisions or means of ventilation required thereby, shall be guilty of a misdemeanor, and be punished by a fine, of not less than ten dollars nor more than five hundred dollars, or by imprisonment, not exceeding six months, or by both fine and imprisonment, in the discretion of the court. The expression "public building" used in this section, means any building or premises used as a place of public entertainment, instruction, resort or assemblage. The expression "school house," means a building, room or premises, in which public or private instruction is afforded to not less than ten pupils at one time.

"Public building" defined

(§ 468.) Sec. 16. It shall be the duty of said board to enforce all provisions of law and of the ordinances of said city, within their jurisdiction, in relation to the inspection of milk, meats, bread, vegetables, or other articles of food, drink, and drugs, and to the prevention of the sale of adulterated, diseased, decayed or other improper articles of food or drink or drugs, and whenever by law or ordinance inspectors are required to be appointed for the inspection of any such articles, such inspectors shall be appointed by the health officer and it shall also be the duty of the said board to enforce all other provisions of law and the ordinances of the common council, relating to the preservation of health, and the prevention or suppression of disease.

Inspection of foods.

CHAPTER 17 BOARD OF HEALTH.

Nuisances.

(§ 469.) Sec. 17. Whenever any building, erection, excavation, premises, business pursuit, matter or thing, or the sewerage, drainage, or ventilation thereof, in said city shall, in the opinion of said board (whether as a whole or in any particular), be in a condition or in effect dangerous to life or health, said board may take and file among its records what it shall regard as sufficient proof to authorize its declaration that the same, to the extent it may specify, is a public nuisance or dangerous to life or health; peril to life or health, and for averting the same throughout said and said board may thereupon enter in its records the same as a nuisance, and order the same to be removed, abated, suspended, altered, or otherwise improved or purified, as said order shall specify; and if any party served with such order shall, before its execution is commenced or within three days after such service or attempted service, apply to said board or its health officer to have said order or its execution stayed or modified, it shall then be the duty of said board to temporarily suspend or modify said order or the execution thereof (save in cases of imminent danger from impending pestilence, when said board may exercise extraordinary powers, as herein elsewhere specified), and to give such party or parties together, as the case in the opinion of the board may require, a reasonable and fair opportunity to be heard before said board, and to present facts and proofs (according to the rules or directions of said board) against said declaration and the execution of said order, or in favor of its modification, according to the regulations of the board; and the board shall enter in its minutes a memorandum of such facts and proofs as it may receive or take, and its proceedings on such hearing, and thereafter may rescind, modify or reaffirm its said declaration and order, and require execution of said original, or of a new or modified order to be made, in such form and effect

May abate or remove cause.

May modify order.

as it may finally determine. In cases where no hearing is asked for by the party affected, the order shall not be so altered as to render its effect more burdensome than the original order. Said board may change or modify any order made under this subdivision, and may by resolution confer upon the president or health officer power to exercise in the absence of the board the authority hereinbefore given it to temporarily suspend or modify any order or its execution.

(§ 470.) Sec. 18. Said board may order or cause any excavation, erection, vehicle, vessel, water craft, room, building, place sewer, pipe, passage, premises, ground, matter or thing (in said city or adjacent waters) regarded by said board as in a condition dangerous or detrimental to life or health, to be purified, cleaned, disinfected, altered or improved; and may also order any substance, matter, or thing, being or let in any street, alley, water, excavation, building, erection, place or grounds (whether such place where the same may be public or private), and which said board may regard as dangerous or detrimental to life or health, to be speedily removed to some proper place; and may designate or provide a place to which the same shall be removed, when no such adequate or proper place, in the judgment of said board, is already provided. If said order is not complied with, or is not as far complied with as said board may regard as reasonable, within five days after such service or attempted service, or within any shorter time which in case of a pestilence the board may have designated, or is not thereafter speedily and fully executed, then any such order may be executed as herein elsewhere provided in regard to any of the orders of said board.

Abatement of dangerous conditions.

(§ 471.) Sec. 19. Said board shall publish from time to time, in the official newspaper of said city, being the one in which

May publish orders and resolutions.

the proceedings of the common council, the ordinances enacted thereby are published, all such orders and resolutions of general obligation, as they shall have made, in such manner as to secure early and full publicity thereto, and to make without publication thereof, such orders and regulations in special or individual cases, not of general application, as they may see fit, concerning the suppression and removal of nuisances, and concerning all other matters in their judgment detrimental to the public health, and in respect to which power is hereby conferred upon said board, and to serve copies thereof upon any occupant or occupants of any premises, whereon any such nuisances, or other matters aforesaid shall exist, or by posting the same in some conspicuous place on such premises, and every person who shall willfully violate or refuse to obey any order so made and served, or posted as aforesaid, shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be subject to fine and imprisonment, or both, in the discretion of the court, such fine not to exceed one thousand dollars, nor such imprisonment to exceed six months. And in any case of non-compliance with any order or regulation which shall have been so served or posted, the said board, its officers or employes, may lawfully enter upon any premises to which such order or regulation relates, and suppress or remove the nuisance or other matters in the judgment of said board detrimental to public health mentioned in such order or regulation, and any other nuisance or matter of the description aforesaid, found there existing, and the expense thereof shall be a charge upon the occupant or any or all of the occupants of said premises and may be sued for and recovered with costs under the direction of said board, in the name of said city in any court having jurisdiction, and the same shall also be a

Penalty for violations thereof.

May enter upon premises.

Expense a charge upon occupant.

Expense a charge against owner.

charge against the owner or owners of the said premises, and the common council upon the certificate of said board as to the amount of the expense aforesaid and the purposes for which the same were incurred, may cause an assessment to be levied upon the said premises and the owner or owners thereof and the same to be collected in the same manner and by the same proceeding as special assessments are levied and collected for the construction of sidewalks in said city. In case such expense is paid by any occupant or lessee of such premises he may recover from any other person having an interest in such premises such proportion of the said expense as the court adjudges should justly and equitably be borne by such defendant, and he may deduct and retain from any rent payable to such defendant the amount so recoverable as an offset thereto.

May assess premises

Expenses ma be deducted from rent.

(§ 472.) Sec. 20. Excepting as may be otherwise provided by law, or by the ordinances of said city, said board may prescribe the duties and powers of the health officer, and of all inspectors, superintendents or other subordinates or employes under them, and may direct them, from time to time, in the performance of all their powers and duties. They may determine their number and may fix the compensation they shall receive except as herein provided, but the aggregate amount, to be expended for the compensation of officers, clerks, inspectors and other subordinates, shall not exceed the amount approved by the board of estimates for that purpose.

Board to prescribe duties of Health Officer and employes.

May fix compensation

(§ 473.) Sec. 21. The board of health may from time to time fix and define the time of making, and the form of returns and reports to be made to said board by the coroners of the county of Wayne, in all cases of post mortem inquests, or viewing of dead bodies held by them or any of them in the city of Detroit,

Board may fix define and form the returns of Coroners.

and the said coroners are hereby required to conform to the directions of said board in the premises, and it shall be the duty of every coroner, at once, and before holding an inquest, upon being called upon to hold an inquest as aforesaid, or notified thereof to immediately transmit and cause to be delivered to the secretary of said board of health, written notice of the fact of such call for holding an inquest, in which shall be stated every particular then known to said coroner as to said call, the body, the place where it is, and the reported cause of death. If at any time said board, or the health officer, shall deem the protection of the public health to demand, it may (so soon as the coroner's jury shall have viewed the dead body, and an autopsy thereof shall have been made, provided the coroner deems the same necessary) order the immediate burial of any dead body, or if the health officer or it deems that the public health demands an immediate removal of said body from the place of death to another place for inquest may likewise at any time order said immediate removal and shall have power to cause said order to be obeyed and executed.

May order immediate burial of dead bodies.

Burial permits.

(§ 474.) Sec. 22. Said board may designate the persons who shall grant permits for the burial of the dead, may prescribe sanitary regulations for such burial and may by its regulation provide that no burial of any such person shall be made until a certificate of the death and its causes, if known, shall be made and presented as required by such regulations and until thereupon a permit for burial shall have been given by said board or its designated officer.

May permit removal of remains.

It shall be the duty of the board to grant a permit for the removal of the body of any deceased person from the city which has not been buried upon receiving a certificate of the death of

said person made in accordance with its rules. It may grant a permit for the removal of the remains of any person interred within the city to a place without the same, on the application of a relative or friend of such person when there shall appear to be no just objection to the same.

Enforce general health laws.

(§ 475.) Sec. 23. It shall be the duty of said board of health to aid in the enforcement of, and so far as practicable, to enforce all laws of this state, applicable in said city, for the preservation of human life, or to the care, promotion, or protection of health; and said board may exercise the authority given by said laws to enable it to discharge the duty hereby imposed; and this section is intended to include all laws relative to cleanliness, and to the use or sale of poisonous, unwholesome, deleterious or adulterated drugs, medicine, or food. Said board is authorized to require reports and information (at such times and of such facts, and generally of such nature and extent, relating to the safety of life and promotion of health as its by-laws or rules may provide) from all public dispensaries, hospitals, asylums, infirmaries, prisons and schools, and from the managers, principals and officers thereof; and from all other public institutions, their officers and managers, and from the proprietors, managers, lessees, and occupants of all theaters and other places of public resort and amusement in said city; but such reports and information shall only be required concerning matters or particulars in respect of which it may, in its opinion, need information for the better discharge of its duties in said city. And it is hereby made the duty of the officers, institutions, and persons so called on, or referred to, to promptly give such information and make such reports, verbally or in writing as may be required by said board.

May require reports from hospitals, etc.

Shall send proper information to local authorities.

(§ 476.) Sec. 24. The board of health shall use all reasonable means for ascertaining the existence and cause of disease or peril to life or health and for averting the same throughout said city, and shall promptly cause all proper information in possession of said board to be sent to the local authorities of any city, village or town in this state which may request the same, and shall add thereto such useful suggestions as the experience of said board may supply.

Cause removal of dangerous persons.

(§ 477.) Sec. 25. Said board may issue warrants to the superintendent of police of said city, the sheriff of the county of Wayne, or to any constable of said city, to apprehend and remove such persons, as cannot otherwise be subjected to the orders and regulations by them adopted, and whenever it shall be necessary to do so to issue their warrant to the said sheriff, superintendent and constables to bring to their aid the necessary assistance, all which warrants shall be forthwith executed by the officers to whom they shall be directed, who shall possess the like powers and be subject to the like duties in the execution thereof as if the same had been duly issued out of any court of record in this state.

Powers may be delegated.

(§ 478.) Sec. 26. Said board may delegate any portion of its powers to the president, or health officer thereof, to be exercised when the board is not in session, and the board may in the absence or during the inability of the president from any cause to perform his duties, appoint a president pro tem.

Inspection of buildings.

(§ 479.) Sec. 27. The members of said board, the health officer, or any of the sanitary inspectors, and such other officer or person as may at any time be by said board authorized, may, without fee or hindrance, enter, examine and survey all grounds, erections, vehicles, structures, apartments, buildings, and places

in said city, including vessels of all kinds in the waters, and all cellars, sewers, passages and excavations of every sort, and inspect the safety and sanitary condition and make plans, drawings and descriptions thereof according to the order or regulations of said board. Said board may make and publish a report of the sanitary condition, and the result of the inspection of any place, matter or thing in said city, so inspected, or otherwise as aforesaid, so far as in the opinion of said board such publication may be useful.

May publish report of sanitary conditions

(§ 480.) Sec. 28. No member, officer, or any agent of said board of health, and no person shall be sued or held to liability for any act done or omitted by either person aforesaid (in good faith and with ordinary discretion) on behalf of or under said board, or pursuant to its regulations, ordinances or the health laws. And any person whose property may have been unjustly or illegally destroyed or injured, pursuant to any order, regulation or ordinance, or action of said board of health or its officers, for which no personal liability may exist as aforesaid, may maintain a proper action against said city for the recovery of the proper compensation or damage to be paid by and from the funds of said board of health. Every such suit must be brought within one year after the cause of action arose, and the recovery shall be limited to the damages suffered.

Liability for damages.

(§ 481.) Sec. 29. Any court of equity having jurisdiction of the parties, or as to any lands or other property mentioned in the bill of complaint, shall have power by an injunction or other proper process at the suit of said city to prevent any threatened nuisance, source of filth or cause of sickness, and remove, arrest or abate the same. Such suit shall be brought by the law department when requested by the board of health, and the com-

Nuisances may be enjoined.

Suit shall be brought by Law Department when required.

plainant shall not be required to make or file any bond or other undertaking as a condition of granting or continuing any injunction therein, but there shall be the same right to sue and recover against the city the same damages when the right is so reserved to the defendant in the order granting or continuing an injunction, that the party would have had, had an undertaking or bond been executed conditioned for the payment of such damages as a condition for granting or continuing said writ.

Damages.

Plumbers shall register.

(§ 482.) Sec. 30. On or before the first day of September, one thousand eight hundred and ninety-five, every master or journeyman plumber, carrying on his trade in the city of Detroit, shall, under such rules and regulations as the board of health shall prescribe, register his name and address at the office of the board of health, and after the said date it shall not be lawful for any person to carry on the trade of plumbing in the said city unless his name and place of business be registered as above provided and a license issued to him by said board after an examination as to his competency to carry on said business. No person unless so licensed shall display upon any sign, placard or otherwise, in front of or upon or in or about his place of business words signifying that he is a licensed plumber, unless he be so licensed. Any licensed plumber if he change his place of business shall re-register as above provided. A list of the registered plumbers of said city shall be published in the official newspaper at least once in each year. The drainage and plumbing of all buildings, both public and private, hereafter erected in said city, shall be executed in accordance with plans previously approved in writing by the board of health of said city. Suitable drawings and descriptions of the said plumbing and draining shall, before any building is so erected, in such case, be submitted and placed

Unlawful to do business without registering

Change of location.

List shall be published.

Drawings and descriptions of plumbing.

on file in the office of said board of health. The board of health is also authorized to receive and place on file drawings and descriptions of the plumbing and draining of buildings erected prior to the passage of this act, if the owner or owners thereof should see proper to file the same and request approval thereof. Any court of record, having authority to issue injunctions, shall have power at any time after the service of notice of the violation of any of the provisions of this section, and upon the affidavit of one of the members of the board of health or of its health officer, to restrain by injunction the further progress of any violation named in this act, of any work, upon or about the building or premises upon which the said violation exists, and no undertaking shall be required as a condition to the granting or issuing of such injunction or by reason thereof. Any person violating any of the provisions of this section shall be deemed guilty of a misdemeanor.

Courts may enjoin violation of this section.

(§ 483.) Sec. 31. In case of the death of any person in said city, every physician, or person acting as such, who had charge or who was in attendance upon such person at the time of death, and every coroner holding an inquest, shall forthwith file in the office of the board of health a certificate stating to the best of his knowledge, information and belief, the name, age, sex, nativity, occupation or profession of the deceased, date and manner of death and name of disease. Every physician or other person attending at the birth of any child to file in the office of the board of health a statement or certificate of the birth of such child, and of its sex, place of birth, and the names and color of its parents, and such other particulars as may be required by law or any ordinance of said city, and said board shall keep a record of the matters required by this section to be reported to it.

Death certificate

Birth certificate.

INSPECTION OF MILK.

An Act to prevent the sale of impure, unwholesome, adulterated, or swill-milk, in the State of Michigan, and to provide for inspectors.

Unlawful to sell impure milk.

(§ 484.) Section 1. The people of the State of Michigan enact, That it shall be unlawful for any person to sell, or expose for sale, within the State of Michigan, any unwholesome, watered, adulterated, or impure milk, or swill-milk, or colostrum, or milk from cows kept upon garbage, swill, or other deleterious substance, or from cows kept in connection with any family in which there are infectious diseases.

Penalty.

(§ 485.) Sec. 2. Any person who shall violate any of the provisions of the preceding section shall be punished by a fine not to exceed one hundred dollars, or by imprisonment not to exceed three months, or by both such fine and imprisonment, in the discretion of the court.

Police Commission to appoint an inspector.

(§ 486.) Sec. 3. It shall be the duty of the metropolitan police commissioners of the city of Detroit, by and with the consent and advice of the board of health of the city of Detroit, to appoint an inspector, who shall be a person of previous practical experience. Said inspector may be created captain, sergeant, or roundsman of the said police force of the city of Detroit, at the option of the board of metropolitan police commissioners.

Duty of milk inspector.

(§ 487.) Sec. 4. It shall be the duty of said inspector to personally view, as far as possible, all milk exposed for sale in said city, and to visit all dairy houses, barns, or stables in said city, or the county of Wayne, to inspect the same, and the animals held therein, and to visit all places where milk is kept or

exposed for sale in the city of Detroit, and to inspect and ascertain the condition of said milk. He may detail any patrolman of said city to assist him in the performance of any or all of the duties enjoined on him by this act; Provided, always, That said inspector and any policeman so detailed shall always be subject to the provisions of the law establishing and governing the metropolitan police of said city.

Inspector to make complaints.

(§ 488.) Sec. 5. It shall be the duty of said inspector, or of his assistant, to make complaint in writing before a police justice of said city of every violation of this act coming to his knowledge.

Each sale a separate offense.

(§ 489.) Sec. 6. Each and every quantity of milk sold, or exposed for sale, contrary to the provisions of this act, shall constitute a separate offense.

Penalty for refusing inspection.

(§ 490.) Sec. 7. Any person who shall refuse to permit the said inspector, or his assistant, to perform his duty under this act either by refusing him entrance to his premises or by concealing any milk, or refusing to permit any milk or animal, or premises wherein the animals are kept, to be viewed and inspected as herein provided, or by in any manner hindering or resisting any said inspector or assistant inspector, in the performance of his duty, shall be guilty of a misdemeanor, and punished therefor.

Sec. 8. Omitted. Not applying to Detroit.

(As amended by Act No. 246, approved June 25, 1887.)

AN ACT

To more clearly define nuisances and to provide suitable penalties for their abatement, and to regulate the slaughtering of animals and the maintaining and operating of abattoirs or slaughter houses in the city of London.

Slaughtering in abattoir or slaughter houses.

§ 497. Section 1. The people of the State of Western Reserve enact: That no person or persons shall slaughter any cattle, sheep, swine or pigs in the city of London, except only in abattoirs or slaughter-houses located, constructed, operated and conducted as provided by this act.

Construction of slaughter houses.

§ 498. Sec. 2. Every abattoir or slaughter house shall be provided with a water-tight floor, and with proper catch basins of sufficient capacity into which all the wash of the house shall be conducted, and pass through the contrivances or spaces formed therein by different partitions in such a way as to hold back and retain all the fats and offal, allowing only water to flow into the sewers. All fats shall be removed from the water and all offal carried away in vehicles having water-tight and properly covered boxes, unless dried on the premises.

Slaughtering not to be carried on.

§ 499. Sec. 3. Neither blood, bristles, hair, entrails, or any offal whatever shall be allowed to enter any public sewer, and all entrails shall be emptied, all blood cooked and all offal cleaned up at the place of slaughtering within six hours after such slaughtering takes place.

Inspection of slaughter houses.

§ 500. Sec. 4. All slaughtering of animals shall be conducted without exposure to the public, and the slaughter houses or abattoirs shall be thoroughly washed out after the work of killing each day.

Gases.

(§ 495.) Sec. 5. All gases, including steam from rendering or cooking tanks, or from drying or curing rooms, shall be conducted immediately to a reservoir of sufficient capacity, filled with cold water, and there condensed, and after each day's work the water from said reservoir shall be pumped or syphoned into the sewer, or said gases may be conducted into and passed through the fires under the boiler and consumed.

Board to inspect.

(§ 496.) Sec. 6. The agents or employes of the board of health of the city of Detroit and its health officer shall at all times have the unrestricted right to enter and inspect any abattoir or slaughter house, together with its appliances and the method of conducting the work of slaughtering animals, and the care of the same, as well as the disposal of all offal and refuse resulting from the business in question. And it is hereby made the duty of said board to see that the provisions and enactment herein provided for the protection of the health and comfort of the citizens of Detroit are carried out and enforced.

Nuisance.

(§ 497.) Sec. 7. Any person or persons who shall locate, maintain or operate any slaughter house or abattoir contrary to the provisions of this act shall be deemed to be maintaining a public nuisance, and on the complaint of any citizen or resident freeholder the board of health of said city shall investigate the matter at once, and if it shall be found on investigation that any of the provisions of this act are being violated said board shall take proceedings to abate or remove said nuisance as herein set forth.

Notices.

(§ 498.) Sec. 8. Written or printed notices, or partly written and partly printed notices, shall be personally served upon or sent by mail to the owner, owners, agent or occupant acting

for the owner or owners of any slaughter house, or abattoir located, maintained or operated contrary to the provisions of this act, informing such owner, agent or occupant that said slaughter house or abattoir is a public nuisance, that must be abated or removed within thirty days after the serving of such notice, and a similar notice and order shall be posted up in a conspicuous place on every building in which such nuisance is found to exist.

May be enjoined.

(§ 499.) Sec. 9. In case the foregoing described notice and order are not obeyed and said nuisance is not abated or removed within the time specified therein, the circuit court for the county of Wayne in chancery shall have authority on the application of the said board of health to enjoin the further maintenance and operation of any such slaughter house or abattoir contrary to the provisions of this act.

Punishment for violation.

(§ 500.) Sec. 10. Any person or persons who shall knowingly and wilfully violate the provisions of, or shall neglect to perform any of the duties enjoined upon him by this act shall be deemed guilty of a misdemeanor, and on conviction thereof shall be subjected to punishment therefor by a fine of not more than one thousand dollars, or imprisonment for not more than six months, or both such fine and imprisonment in the discretion of the court.

Approved June 1st, 1895

CHAPTER XVIII.

BOARD OF POOR COMMISSIONERS

An Act to provide for and establish a board of poor commissioners in the City of Detroit. (Approved April 10, 1883.)

Board, how constituted, appointment of members, term, powers, etc.

(§ 501.) Section 1. *The People of the State of Michigan enact*, There shall be established in the city of Detroit a board of four poor commissioners, who shall be appointed by the city council on the nomination of the mayor, and whose term of office shall be for four (4) years. They shall have full charge and control of all poor applying for public aid within the city of Detroit, and shall appoint a secretary, a superintendent of the poor, and such other officers or employes as they may deem necessary for the proper operation of the poor department.

Enforce ordinances relative to poor.

(§ 502.) Sec. 2. The said board shall enforce all ordinances, regulations and resolutions that the common council may adopt and prescribe relative to the city poor and the funds raised for their relief.

Power to purchase supplies for poor.

(§ 503.) Sec. 3. The said board shall have power, subject to the provisions of this act, to purchase clothing, provisions, fuel, medicines and supplies for distribution among the poor, but no money shall be paid out of the city treasury for any such purchases unless the common council shall have authorized the controller to draw his warrant therefor. The board may issue orders to the poor for provisions, clothing, boots and shoes, fuel,

water taxes, and transportation, and may also make cash disbursements, all to be paid out of the poor fund, under such rules and regulations as the common council may prescribe.

Power to contract for care of paupers, burial thereof, etc.

(§ 504.) Sec. 4. Said board shall also have power to contract with any or all hospitals and asylums in and adjoining the city of Detroit for the care of sick poor, and such others as may come under their care and control under the provisions of this act. They shall also have charge of the burial of all deceased poor who may be public charges within the city of Detroit, and for that purpose may contract with superintendents of cemeteries, and employ such other persons as they may deem necessary for the proper performance of the same.

To disburse county relief fund.

(§ 505.) Sec. 5. The said board of poor commissioners shall perform the duties and make the disbursements out of the county temporary relief fund now authorized by the statutes of this State to be made by the Aldermen of each ward in the city of Detroit, whose term of office will soonest expire, in the capacity of supervisors of their respective wards, and the said board is vested with all the powers and duties of the aldermen as such supervisors relative to the support of the poor. The county superintendents of the poor shall have no power to grant any temporary relief in the city of Detroit, but all such relief from the county temporary relief fund shall be granted by said board, and the said board may draw its warrants on the county treasurer therefor.

County Superinteudent.

Donations.

(§ 506.) Sec. 6. The said board shall have power to receive and disburse donations for the relief of the poor, and may act in conjunction with any society or organization organized

for charitable purposes in the city of Detroit, and shall have such other powers and duties as the common council may prescribe.

(§ 507.) Sec. 7. One commissioner, whose term of office shall commence on the first day of July following, shall be appointed, according to the provisions of this act, at the last regular session of the city council in June of each year. Appointments.

(§ 508.) Sec. 8. Nothing in this act shall be construed as affecting the tenure of office of any of the present board of poor commissioners, who shall serve out their respective terms. Present members not affected.

(§ 509.) Sec. 9. The said commissioners shall receive no compensation for their services. No compensation.

(§ 510. Sec. 10. All acts or statutes inconsistent with the provisions of this act are hereby repealed. Repeal of conflicting acts.

This act is ordered to take immediate effect. (Approved April 10, 1883.)

POOR COMMISSIONERS OF DETROIT TO ACT AS COUNTY SUPERINTENDENTS OF POOR.

An Act to amend section two, chapter fifty, of the complied laws of eighteen hundred and seventy-one, being compiler's section eighteen hundred and seventeen, relative to the support of poor persons by the public, the same being section one thousand seven hundred and fifty-six of Howell's annotated statutes. (Sec. 1756, Howell's statutes, as amended by Act No. 77, laws of 1885.)

(§ 511.) Section 1. *The people of the State of Michigan enact*, That section one thousand seven hundred and fifty six, of Howell's annotated statutes, being section one thousand eight hun-

dred and seventeen of the compiled laws of eighteen hundred and seventy-one, be and the same is hereby amended so as to read as follows:

County Superintendents of the poor.

(§ 512.) Sec. 2. It shall be the duty of the Supervisors of each county, at their annual meeting in the year eighteen hundred sixty-nine, to appoint three discreet electors of such county, to be superintendents of the poor within the same; one for the term of one year, one for the term of two years, and one for the term of three years; and at their annual session in each year thereafter they shall appoint one superintendent who shall hold his office for the term of three years, and until his successor is appointed and qualified; *Provided*, That in case of a vacancy caused by the death or removal of either of said superintendents, or otherwise, the supervisors shall, at their first meeting held after such vacancy occurs, appoint a successor for the unexpired term. Before entering upon the duties of his office each superintendent shall take the oath of office prescribed in the eighteenth article of the constitution, and file the same in the office of the county clerk; *Provided, further*, That in the county of Wayne the superintendents of the poor shall consist of the three superintendents appointed by the supervisors and of the members of the board of poor commissioners of the city of Detroit, and a majority of the whole number shall be a quorum for the transaction of business; *Provided*, That the members of the board of poor commissioners of the city of Detroit shall receive no compensation from the county of Wayne for their services.

Board of Poor Commissioners of Detroit act as County Superintendents.

Ordered to take immediate effect. (Approved May 11, 1885.)

MEMBERS OF BOARD OF POOR COMMISSIONERS TO CONSTITUTE PART OF BOARD OF SUPERINTENDENTS OF THE POOR OF THE COUNTY.

An Act to constitute and make the members of the Board of Poor Commissioners of the City of Detroit members of the Board of Superintendents of the Poor of the County of Wayne.

(§ 513.) Section 1. *The People of the State of Michigan enact*, The persons who may when this act shall take effect be the members of the board of poor commissioners of the city of Detroit, and their successors in office, shall thereafter be and they are hereby constituted and made members of the board of superintendents of the poor for said county of Wayne, and said members of the board of poor commissioners shall have respectively all the rights, powers and authority and shall perform the duties of a member of said board of superintendents of the poor, and said last named shall then consist of the three superintendents appointed as provided by law and said board of poor commissioners: *Provided*, That said members of said board of poor commissioners shall not receive any compensation for their services. (This Act is ordered to take immediate effect. Approved March 13, 1889.)

Board of Poor Commissioners to be members of the board of Superintendents of the poor, etc.

Proviso.

CITY PHYSICIANS.

An Act to provide for the appointment of City Physicians of the City of Detroit, by the Board of Poor Commissioners of said city, and to provide for the regulation of their duties.

(§ 514.) Section 1. The People of the State of Michigan enact: That the board of poor commissioners of the City of Detroit shall, on the second Tuesday of June of each year, appoint three or more city physicians, whose term of office shall be one year, commencing on the first day of July following.

City physicians

Qualifications.

(§ 515.) Sec. 2. Said physicians shall be resident electors of the city of Detroit, graduates of an established medical school or college, and be of good standing in their profession, and have been in practice for at least three years.

Duties, etc.

(§ 516.) Sec. 3. Said physicians shall perform such duties and observe such rules and regulations in the care and treatment of the sick poor of the city of Detroit as the board of poor commissioners of said city maw direct and make, and shall perform such further duties and receive such compensation as the common council of said city may prescribe.

Repealing clause.

(§ 517.) Sec. 4. All acts or parts of acts contrary to the provisions of this act are hereby repealed. (This Act is ordered to take immediate effect. Approved May 29, 1891.)

CHAPTER XIX

PARKS AND BOULEVARDS.

An Act to authorize the City of Detroit to establish and regulate a Park. (Approved May 27, 1879.)

(§ 518.) Section 1. The common council of the city of Detroit shall have power to purchase the island in Detroit river, known as Belle Isle, and to improve and use the same as a public park, and to erect thereon any buildings which the city is authorized to build and maintain; and in all respects to devote said island to such public and corporate purposes as the council shall deem advisable. The said council may convey any portion of said island, not exceeding two acres, to the United States for lighthouse or signal station purposes. The board of metropolitan police of the city of Detroit shall have full police powers and jurisdiction over the island, the waters surrounding the same, and the bridge, if any, leading thereto, the same as though the island was within the corporate limits of the city. (As amended March 22, 1881.)

Purchase authorized, etc.

Council may convey two acres to the United States.

(§ 519.) Sec. 2. The common council of said city shall also have power to erect and maintain a bridge over the American channel, between the said island and the main land, and to purchase and acquire sufficient real estate on said main land, either within or without the limits of the city, for suitable approaches to such bridge from the main land and the police powers and

Power to erect a bridge.

Approaches.

jurisdiction conferred by the preceding section shall extend to the land thus acquired. The common council shall have power, from time to time, to fix the rate and provide for the collection of tolls for the use of said bridge, and to grant to railroads and street car companies the right to run their cars over such bridge upon such terms and conditions as the common council shall prescribe.

Fix the rate of toll and collection of same.

(§ 520.) Sec. 3. For the purpose of carrying out the provisions of this Act, the common council shall have power to borrow, by issuing bonds on the faith and credit of said city, such sums of money as may be necessary, not exceeding in the aggregate the sum of seven hundred thousand dollars,, said bonds to be issued and negotiated in the manner provided by the provisions of the city charter relative to the issuing of public sewer bonds, by said city, and the bonds so issued shall be denominated "public improvement bonds of the city of Detroit." Provided, That no greater sum than two hundred thousand dollars shall be paid for the said island.

Issue of bonds.

Proviso.

(§ 521.) Sec. 4. The powers conferred by this Act shall be exercised and carried out in compliance with the city charter and the acts creating the board of estimates and the board of public works of said city.

Approval of Board of Estimates.

(§ 522. Sec. 5. This act shall take immediate effect.

LANDS FOR PARKS OUTSIDE OF CITY LIMITS.

An Act to authorize the City of Detroit to acquire land outside of the limits of said city, for use as public parks, public grounds and boulevards, and to regulate and improve the same.

(§523.) Section 1. The people of the State of Michigan enact, That the "commissioners of parks and boulevards" of the city of Detroit shall have power to receive donations or bequests

Commissioners may receive donations of lands.

granting to the city of Detroit lands in the county of Wayne, and distant not to exceed four miles from the corporate limits of said city, for use as public parks, public grounds or boulevards; and in all respects to devote such lands to such public or corporate purposes as are the parks, public grounds and boulevards already established in and about said city.

Police Commissioners shall have police powers over lands donated.

(§ 524.) Sec. 2. The commissioners of metropolitan police for the city of Detroit shall have full police powers and jurisdiction over the lands so acquired, the same as though such lands were within the corporate limits of the city of Detroit, and upon request of said "commissioners of parks and boulevards" may detail for service in any of such grounds so many of the police force as may be necessary to maintain order and protect the property thereon, and any policeman on duty on said ground may remove therefrom any person who may violate any of the rules and regulations of said commissioners.

May detail policemen.

Extension of public lighting fire, water and sewerage systems.

(§ 525.) Sec. 3. The common council of said city shall have power to authorize the extension of the public lighting, fire, water and sewerage systems of the city to said parks, public grounds or boulevards, whensoever the said "commissioners of parks and boulevards" shall request and the said council shall deem the same advisable: Provided, That the construction of such extensions shall be without cost to the city.

Powers to be exercised under charter and Park and boulevard act.

(§ 526.) Sec. 4. The powers conferred by this Act shall be exercised and carried out in compliance with the city charter and the acts creating the board of estimates and board of "commissioners of parks and boulevards" of said city. (Approved May 25, 1893.)

BONDS FOR IMPROVEMENT OF BELLE ISLE PARK.

An Act to empower the Common Council of the City of Detroit to borrow money for the purpose of the improvement of Belle Isle Park.

Purpose of loans.

Authority to borrow and issue bonds.

(§ 527.) Section 1. The people of the State of Michigan enact, That for the purpose of the improvement of Belle Isle Park, in the Detroit river, the common council of the city of Detroit shall have power to borrow, upon the best terms it can make, and for such time as it shall deem expedient, a sum of money not exceeding four hundred thousand dollars, upon the credit of the city of Detroit, and shall have authority to issue bonds pledging the faith and credit of said city for the payment of the principal and interest of said bonds, which bonds shall be denominated "Park improvement bonds of the city of Detroit,"

Rate of interest.

and shall bear interest not exceeding five per cent per annum. The controller shall keep an accurate register of all said bonds issued, showing the number, date and amount of each bond, and

Disposition of money.

to whom the same was issued. And the money received for such bonds shall be expended solely for the improvement of said Belle Isle Park: Provided, That not more than one hundred thousand

Proviso.

dollars of said bonds shall be issued and expended in any one year.

Question to be submitted to electors.

Time of election.

(§ 528.) Sec. 2. Such money shall not be borrowed, nor such bonds issued, unless a majority of the qualified electors of the city of Detroit, voting at the annual charter election to be held in said city in eighteen hundred and eighty-nine, voting on said loan, shall so determine: and the common council of said

Notice thereof.

city is hereby authorized and required to give notice of submitting the question of said loan to the qualified electors of said city by giving due notice thereof, and causing the date, places

of voting and object of said election to be stated in printed or written notices and posted in six public places in each voting precinct in said city, not less than six days before said election, and publishing the same in one or more of the daily papers published in said city for three days prior to said election, which notices shall state the amount of money proposed to be borrowed and the amount of bonds to be issued.

Vote to be by ballot.

(§ 529.) Sec. 3. The vote upon such proposition shall be by ballots, either written or printed, or partly written or printed; ballots in favor of such proposition shall be in the following words: "For issuing park bonds—Yes;" and the ballots against the same shall be in the following words: "For issuing park bonds—No;" and it shall be the duty of said common council to provide at the polls of each voting precinct of said city during the whole time while the same shall be open, a sufficient number of said ballots, both for and against such proposition, as shall be necessary to supply all the electors desiring to vote thereon; the election shall be conducted, the votes canvassed and returns made in all respects as in other elections held in said city, and immediately upon the conclusion of such canvass the board of city canvassers of said city shall make and sign a certificate showing the whole number of votes cast upon such proposition, and the number for and against the same respectively, and said city canvassers shall indorse upon such certificate a declaration in writing of the result of such election, which certificate and declaration shall then be filed with the city clerk and entered at large upon the records of said city, and a copy of said certificate and declaration, certified to by said city clerk, shall be filed by him with the county clerk of Wayne county. (This Act is ordered to take immediate effect. Approved June 21, 1889.)

Ballots.

Canvass of the votes.

IMPROVEMENT OF BELLE ISLE PARK.

An Act to authorize the city of Detroit, through the Common Council thereof, to issue, subject to the approval of the electors of said city, bonds to the amount of one hundred and fifty thousand dollars, for the purpose of improving Belle Isle Park in said city, by the erection thereon of a combined Aquarium and Horticultural building, and under certain conditions, of other permanent improvements.

The people of the state of Michigan enact:

(§ 530.) Section 1. That for the purpose of the improvement of Belle Isle Park by erecting and equipping thereon a combined acquarium and horticultural building, and by the construction of another building or buildings for the purpose of zoological exhibits, and for the construction of permanent stone bridges or other incidental permanent improvements in said city, the common council of the city of Detroit shall have power to borrow, upon the best terms it can make and for such time as it shall deem expedient, a sum of money not exceeding one hundred and fifty thousand dollars, upon the credit of the city of Detroit, and shall have authority to issue bonds pledging the faith and credit of said city for the payment of the principal and interest of said bonds, which bonds shall be denominated "Park Improvement Bonds of the City of Detroit," and shall bear interest not exceeding four per cent per annum. The controller shall keep an accurate register of all said bonds issued showing the number, date, and amount of each bond, and to whom the same was issued. The money received from such bonds shall be placed in the city treasury and shall be expended solely for the purposes herein specified under the supervision and on the warrant of the board of park and boulevard commissioners of said city: Provided, that not less than the sum of one hundred thousand dollars shall be devoted in the first instance to the erection and

Aquarium and Horticultural building Belle Isle Park.

Common Council shall have power to issue Park Improvement Bonds.

equipment of a combined acquarium and horticultural building in said park. The entire sum of one hundred and fifty thousand dollars may be devoted to said purpose by said commissioners in their discretion, but if they shall deem a lesser sum, but not less than one hundred thousand dollars, adequate for said purpose, they shall have power to expend the remainder of said entire sum for the construction of a building or buildings suitable for zoological exhibits such as are commonly located in similar parks in other cities, or they shall have authority to devote said remainder of said entire sum for the construction of permanent stone bridges or other permanent improvements on said island or for any or all of the above kinds of improvements.

Entire sum to be under control of Commissioners.

(§ 531.) Sec. 2. Such money shall not be borrowed, nor such bonds issued, unless a majority of the qualified electors of said city of Detroit, voting at an election to be held in said city on the seventh day of November, eighteen hundred ninety-nine, voting on the question of said loan, shall so determine, and the common council of said city is hereby authorized and required to give notice of submitting the question of said loan to the qualified electors of said city by giving due notice thereof, and causing the date, place of voting, and object of said election to be stated in printed or written notices and posted in six public places in each voting precinct in said city, not less than six days before said election, and publishing the same in one or more of the daily papers published in said city for three days prior to said election, which notice shall state the amount of money proposed to be borrowed, the amount of bonds to be issued, and the purposes thereof, and it is hereby made the duty of said common council to cause said question to be duly submitted and to do any and all other legal acts which may be necessary for the proper and legal submission thereof.

Question of issuing Bonds to be submitted to electors.

Notice.

(§ 532.) Sec. 3. Said proposition shall be submitted in the following manner, the same being printed upon the official ballots for said election or upon special ballots if so ordered by the common council. The wording wherein such proposition shall be submitted shall be as follows: "For issuing park bonds for aquarium or other permanent improvements on Belle Isle Park? Yes." "For issuing park bonds for aquarium or other permanent improvements on Belle Isle Park? No." The election shall be conducted and the votes canvassed and returns made in all respects as the aforesaid election held in said city is by law required to be conducted, and immediately upon the conclusion of such canvass the board of city canvassers shall make and sign a certificate showing the whole number of votes cast upon such proposition and the number for and against the same respectively, and said city canvassers shall endorse upon such certificate and declare in writing the result of such election, which certificate and declaration shall then be filed with the city clerk and entered at large upon the records of said city, and a copy of said certificate and declaration certified to by said clerk shall be filed by him with the county clerk of Wayne county.

Manner of holding elections.

(§ 533.) Sec. 4. The board of park and boulevard commissioners shall have full and absolute authority in disposing of the moneys arising by said issue of bonds, and it shall be their duty to devote the proceeds thereof to the purposes prescribed by this act. The Common Council shall have full authority to provide by resolution for the advertising and sale of said bonds, the manner thereof to conform as near as may be practicable to the regulations heretofore prescribed by law for the issuance of sewer bonds. The bonds herein provided for shall run for a

Park and Boulevard Commissioners to have absolute authority in disposing of moneys.

period not less than fifteen nor more than fifty years. The issue of bonds herein provided for shall not be subject to the bonding limitation of said city of Detroit as now prescribed by law, but may be in excess of said limitation. Period Bonds shall run.

This act is ordered to take immediate effect.

Approved May 26, 1899.

BONDS FOR IMPROVEMENT OF THE BOULEVARD.

An Act to empower the Common Council of the City of Detroit to borrow money for the purpose of improving the boulevard.

(§ 534.) Section 1. The people of the State of Michigan enact, That for the purpose of the improvement of the broad street or boulevard, in and around the city of Detroit, established pursuant to act number three hundred and seventy-four of the local acts of the legislature of the state of Michigan, approved May twenty-one, eighteen hundred and seventy-nine, authorizing the establishmment of such street or boulevard, the common council of said city, with the approval of the board of estimates thereof, shall have power to borrow upon the best terms it can make, and for such time as it shall deem expedient, a sum of money not exceeding five hundred thousand dollars, upon the credit of the city of Detroit, and shall have authority to issue bonds pledging the faith and credit of said city for the payment of the principal and interest of said bonds, which bonds shall be denominated, "Boulevard improvement bonds of the city of Detroit," and shall bear interest at a rate not exceeding five per cent per annum. The controller shall keep an accurate register of all said bonds issued, showing the number, date and amount of each bond, and to whom the same was issued. And the money raised by such bonds shall be expended solely for the purpose of the improvement of said boulevard. (This Act is orderd to take immediate effect. Approved May 8, 1889.)

Common Council may borrow money for boulevards.

Not to exceed $500,000.

May issue bonds.

ADDITIONAL BRIDGE OVER THE AMERICAN CHANNEL OF THE DETROIT RIVER.

An Act to authorize the City of Detroit to construct and maintain an additional bridge or bridges over the American channel of the Detroit river.

The People of the State of Michigan enact:

Council may erect and maintain bridge.

(§ 535.) Section 1. The Common Council of said city shall have power to erect and maintain a bridge or bridges over the American channel between Belle Isle and the main land, and to purchase or acquire by condemnation sufficient real estate on said main land, whether within or without the limits of the city, for suitable approaches to said bridge or bridges from the main land, and the police powers and jurisdiction conferred by the charter of said city shall extend to land thus acquired. The Common Council shall have power from time to time to fix the rate and provide for the collection of tolls for the use of said bridge upon such terms and conditions as the Common Council shall prescribe.

May fix rate of and collect tolls.

May borrow money by issuing bonds.

(§ 536.) Sec. 2. For the purpose of carrying into effect the provisions of this Act, the Common Council shall have power to borrow, by issuing bonds upon the faith and credit of the city, such sums of money as may be necessary, not exceeding, in the aggregate, the sum of six hundred thousand dollars. Said bonds to be issued and negotiated in the manner provided by the provisions of the city charter relative to the sale, issue, record and redemption of bonds by said city, and the bonds so issued shall be denominated "Public Improvement Bonds of the City of Detroit." Such money shall not be borrowed, nor such bonds issued, unless a majority of the qualified electors of the City of Detroit, voting at an election to be held in said city, on the first

How bonds to be issued and negotiated.

To be submitted to electors.

Tuesday after the first Monday of November, nineteen hundred two, voting on the question of said loan shall so determine, and the Common Council of said city is hereby authorized and required to give notice of submitting the question of said loan to the qualified electors of said city, by giving due notice thereof, causing the date, place of voting and object of said election to be stated in a printed or written notice, and posted in six public places in each voting precinct in said city, not less than six days before said election, and publishing the same in one or more of the daily papers published in said city for three days prior to said election, which notice shall state the amount of money proposed to be borrowed; the amount of bonds to be issued, and the purpose thereof; and it is hereby made the duty of said Common Council to cause said question to be duly submitted and to do any and all other legal acts which may be necessary for the proper and legal submission thereof.

How question to be submitted.

(§ 537.) Sec. 3. Such proposition shall be submitted in the following manner, the same being printed upon the official ballots for said election, or upon special ballots, if so ordered by the Common Council. The wording wherein such proposition shall be submitted shall be as follows: For issuing bridge bonds—Yes. For issuing bridge bonds—No. The election shall be conducted and the votes canvassed and returns made, in all respects, as the aforesaid election held in said city is by law required to be conducted, and immediately upon the conclusion of such canvass the Board of Convassers shall make and sign a certificate showing the whole number of votes cast upon such proposition, and the number for and against the same respectively; such city canvassers shall endorse upon the certificate, and declare in writing the result of such election; such certificate and declara-

tion shall then be filed with the City Clerk, and entered and attached upon the records of said city, and a copy of said certificate and declaration, certified to by the City Clerk, shall be filed by him with the County Clerk of Wayne County.

Approved June 6, 1901.

ADDITIONAL BRIDGE OVER THE AMERICAN CHANNEL OF THE DETROIT RIVER.

An act to submit anew to the qualified electors of the city of Detroit the question of borrowing money and issuing the bonds of said city under the provisions of an act number four hundred eighty of the local acts of nineteen hundred one, entitled "An act to authorize the city of Detroit to construct and maintain an additional bridge or bridges over the American channel of the Detroit river," approved June sixth, nineteen hundred one.

The People of the State of Michigan enact:

(§ 538.) Section 1. Before any action shall be taken by the common council of the city of Detroit to borrow any sum of money, or issue any bonds of said city, under the provisions of act number four hundred eighty of the local acts of nineteen hundred one, entitled "An act to authorize the city of Detroit to construct and maintain an additional bridge or bridges over the American channel of the Detroit river," it shall be, and it is hereby required, that the question of making said loan and of issuing said bonds, for the purpose aforesaid, be again submitted to the electors of said city, at any general election to be designated by said common council and any bonds issued under said act number four hundred eighty of the laws of nineteen hundred one before the electors have voted in favor thereof as provided for in this act shall be void.

Question shall be submitted to the electors.

(§ 539.) Sec. 2. The common council of said city shall give the same notices of submitting the question of said loan to the qualified electors of said city, in the same manner as is required by the provisions of the act aforesaid; and said proposition shall be submitted in the same manner and form, and the election shall be conducted, and the canvass and returns made, and the certificate and declaration thereof filed and entered upon the records of said city, in all respects as is provided in said act.

How question submitted.

Canvass and returns.

(§ 540.) Sec. 3. The result of the election herein provided for shall be deemed the final determination of the electors of said city of Detroit on the question of borrowing the money and issuing the bonds of said city for the purposes aforesaid. In case a majority of said electors, voting at such election, shall vote in favor of issuing said bonds, the common council shall be authorized to borrow said money and to issue said bonds, in the manner contemplated in said act; but, if a majority of said electors shall vote against the issuing of said bonds, then said common council shall not have power and authority to make such loan and issue such bonds, anything in said act number four hundred eighty to the contrary notwithstanding: Provided, That if the majority of said electors voting at such election vote in favor of issuing such bonds and the common council should decide that an enlargement of the present bridge is more desirable than a new bridge or bridges said money shall be used for such enlargement of present bridge instead of for building a new bridge or bridges, and Provided further, That before said common council can authorize said loan and issue of bonds for either the enlargement of the old bridge or the building of a new

Result of election shall be final determination.

Money may be used to enlarge present bridge.

bridge or bridges the board of estimates shall have first approved of same.

This act is ordered to take immediate effect.

Approved April 2, 1903.

PARKS AND BOULEVARDS.

An Act supplemental to the charter of the city of Detroit, and relating to parks, boulevards and other public grounds in said city, and to repeal act number three hundred and seventy-four of the local acts of eighteen hundred and seventy-nine, entitled "An act to provide for the establishment and maintenance of a broad street or boulevard about the limits of the city of Detroit and through portions of the townships of Hamtramck, Greenfield and Springwells, in the county of Wayne," approved May twenty-one, eighteen hundred and seventy-nine. .

Commissioner of parks and boulevards to be appointed.

Term of office.

When secretary to act.

(§ 541.) Section 1. Within five days after this Act shall take effect the Common Council of the City of Detroit shall appoint a Commissioner of Parks and Boulevards, the term of office of such Commissioner to commence on the first day of the month next following his appointment, and he shall hold office for the term of four years and until his successor is appointed and qualified. During any sickness, absence or other temporary inability of the Commissioner to perform his duties, the Secretary shall be the Acting Commissioner and perform the duties and have the powers of Commissioner. (As amended by Act approved May 4, 1901.)

Commissioner to be an elector and freeholder.

Oath of office.

(§ 542.) Sec. 2. Every person appointed a Commissioner of Parks and Boulevards shall be an elector and freeholder of said City of Detroit, and shall, before entering upon his office, take and subscribe the oath of office prescribed by the Constitution

and file the same in the office of the City Clerk. He shall also make and execute to the City of Detroit a bond, with one or more responsible sureties, or with a responsible surety company as surety, and approved by the Controller of the said City of Detroit, in the penal sum of fifty thousand dollars, conditioned for the faithful performance of the duties of his office, which said bond shall be filed with the City Clerk. (As amended by Act approved May 4, 1901.)

Bond.

(§ 543.) Sec. 3. All the powers and duties now vested in the existing Board of Park and Boulevard Commissioners, from and after the appointment of said Commissioner of Parks and Boulevards, and upon his entering into said office, are hereby abrogated and revoked, and the said present Commissioners shall deliver to the Commissioner hereby authorized to be appointed, all their official records, books, plans and papers, and all property in their custody or under their control. (As amended by Act approved May 4, 1901.)

Powers and duties of Commissioners revoked.

(§ 544.) Sec. 4. At the expiration of the term of office of the Commissioner, the Mayor of the said city in like manner shall appoint a suitable person of like qualifications as his successor, for the full term of four years, and a vacancy shall be filled by appointment by the Mayor for the residue of the term vacant: and the persons so appointed, upon taking and filing with the City Clerk the oath of office and bond as heretofore prescribed for such office, shall perform the duties of said office for the term for which they are appointed, or for the residue of the term vacant, as the case may be. The said Commissioner of Parks and Boulevards shall have the right and it shall be his duty to demand, obtain and receive, all the official records, books, plans

Successors to be appointed.

How vacancy to be filled.

and papers above mentioned, from any person or persons who may have the same or any portion thereof in their custody, and thereafter he shall have the care, custody and control of the same. The said Commissioner may be removed by a vote of two-thirds of the members-elect of the Common Council, but only upon written charges and an opportunity to appear and defend with the aid of counsel. (As amended by Act approved May 4, 1901.)

How commissioner may be removed.

Commissioner to appoint Secretary.

Make rules and regulations.

To employ and prescribe compensation of subordinates.

Bonds of appointees, etc.

(§ 545.) Sec. 5. The Commissioner of Parks and Boulevards shall appoint a secretary, who shall hold office during his pleasure, and shall make all needful general rules and regulations for the transaction of business of his department, and may employ and at his pleasure discharge superintendents, engineers, clerks, agents and subordinates, and prescribe their compensation. All officers and appointees, or either of them, shall give security for the faithful performance of their trust, as said Commissioner may require. (As amended by Act approved May 4, 1901.)

Powers and duties of commissioner.

(§ 546.) Sec. 6. The Commissioner of Parks and Boulevards shall have the control and management, and shall have charge of the improvements of all the parks and public grounds of said city, including the island park, known as Belle Isle Park, and of such parks and public grounds as may hereafter be acquired, laid out, purchased or dedicated for public use in said city, And he shall likewise have the control, management and charge of the improvement and maintenance of the boulevard, which was laid out and established by the Act creating said Board of Boulevard Commissioners, and of any other boulevard which may at any time be hereafter acquired, laid out, established or located

by said city. The authority hereby conferred shall not be construed as giving any charge or control to said Commissioner over and to the improvement of any of the ordinary public streets or alleys. When the estimated cost of any work or improvement ordered by said Commissioner shall exceed the sum of five hundred dollars, the same shall be done by contract, after advertisements for bids in at least two daily papers, printed in said city, for at least seven days. (As amended by Acts approved May 24, 1893, and May 4, 1901.)

What work to be done by contracts.

Bids for.

(§ 547.) Sec. 7. The said Commissioner may make all needful rules and regulations for the management, maintenance and care of the said parks, public grounds and boulevard or boulevards, and regulate their use, and the Common Council of said city may provide by ordinance for the observance of the same, and may also in like manner provide for the observance and enforcement of any other rules and regulations duly made by said Commissioner under any of the provisions of this Act. And said Common Council may by ordinance provide for the preservation and protection of the parks, public grounds and boulevards, and any of the property in charge of said Commissioner against any destruction or injury, and prevent the destruction or injury to, or taking of any trees, shrubs, plants, flowers or other things set out, planted or used by said Commissioner in beautifying, improving or ornamenting said parks, public grounds, or boulevards, and prevent any disorder or disturbance on or about said parks, public grounds or boulevards, or any encroachment thereon or interference with the quiet and peaceable use and enjoyment of the same for the purposes for which the same are established and maintained. Said ordinances may provide for the punishment for any breach or violation of any of their pro-

Rules and regulations relative to parks, etc

visions by like penalties provided for violation of ordinances of said city. The Commissioner or Commissioners of Metropolitan Police for the City of Detroit, upon request to said Commissioner of Parks and Boulevards, shall detail for service in any of the grounds under the charge of said Commissioner of Parks and Boulevards, so many of the police force as may be necessary to maintain order and protect the property thereon, and any policeman on duty on said grounds may remove therefrom any person who may violate any of the rules and regulations of said Commissioner, or of any of the ordinances of said city, adopted as aforesaid, relating to said parks, public grounds or boulevards. (As amended by Acts approved May 24, 1895, and May 4, 1901.)

Police to maintain order, etc.

Estimates of money to be raised.

(§ 548.) Sec. 8. The Commissioner shall annually, before the first day of April, prepare and submit to the Common Council, an estimate of the amount of money that should be raised for the ensuing fiscal year for the purpose of improving and maintaining the grounds under his charge, which estimate shall specify the sums desired for each of the several objects of expenditure, and at the same time make a report to the Common Council of the amount of revenue and income which it is estimated shall be received during such fiscal year from any source. Said Commissioner shall be a member of the Board of Estimates of said city. (As amended by Act approved May 4, 1901.)

Commissioner to be member of board of estimates.

Moneys may be raised by general tax.

(§ 549.) Sec. 9. The Common Council of said city, with the consent of the Board of Estimates, may cause to be placed upon the general tax roll, and raised by tax the same as other taxes, such sum as they may think proper to be raised for each of the several objects of expenditure, estimated as aforesaid, the maintenance and improvements of said parks, public grounds and boulevards, or for the payment of any other expenses which said

Commissioner is by this act authorized to incur. For the purpose of the improvement of Belle Isle Park by the erection thereon of a suitable building to be used as a casino, the Common Council shall have the power, with the approval of the Board of Estimates, to borrow upon the best terms they can make and for such a time as they may deem expedient, a sum of money, not exceeding one hundred thousand dollars, upon the faith and credit of the city of Detroit, and shall have the authority to issue bonds, pledging the faith and credit of said city for the payment of the principal and interest of said bonds, which bonds shall be denominated "Park Improvement Bonds of the City of Detroit," and shall bear interest at a rate not exceeding four per cent per annum, and shall mature in not more than thirty years from date of issue. The Common Council shall have full authority to provide, by resolution, for the advertising and sale of said bonds and the manner thereof shall conform as near as practicable to the regulations prescribed by law for the issuance of sewer bonds. The moneys so raised, as well as any other moneys received from any source, shall be paid into the city treasury and credited to a fund to be styled the "Park and Boulevard Fund" and shall be expended and paid out only for the purposes approved by the Common Council and the Board of Estimates. This act is ordered to take immediate effect. (As amended by Act approved April 24, 1903.)

Common Council empowered to borrow money to build Casino.

May issue bonds.

Rate of interest.

Sale of bonds.

Shall be credited to Park and Boulevard fund.

(§ 550.) Sec. 10. All bills, accounts and claims of every character against the said department, shall, after having been duly audited by said Commissioner and certified by him and the Secretary, be transmitted to the City Controller, who shall submit the same to the Common Council with his approval or disapproval. When said bills, accounts and claims shall have been

Bills, etc., to be audited by commissioner and transmitted to controller, thence to council.

How paid.

allowed by the Common Council, the Controller shall draw his warrant or warrants on the City Treasurer in payment therefor: Provided, however, That no bill, account or claim against said department shall be audited by the Commissioner, unless it shall be accompanied by an affidavit of the person rendering it that he verily believes the services or property therein charged have been actually performed or delivered to the city, and that the sums charged therefor are reasonable and just, and that to the best of his knowledge and belief no offset exists or payment has been made on account thereof, except such as are included or referred to in such bill, account or claim. All pay rolls shall be certified by said Commissioner and Secretary, and shall be delivered to the City Controller, who shall draw his warrant for the payment thereof and deliver the same to the City Treasurer, together with said pay roll, and said City Treasurer shall pay the amounts mentioned in said pay roll to the persons entitled thereto. No debt or liability of any kind shall be created by said Commissioner during any one fiscal year in excess of the moneys then in said fund, or which may have been authorized to be raised by the Common Council for said year. The Commissioner may receive donations or bequests of money or property, which shall be used for the maintenance and improvement of the grounds under his charge, or either of them, as contemplated by such donations and bequests, which said money shall be paid into the City Treasury by him, and warrants drawn against the same, as in case of other expenses of such department, for the purposes for which said donation or bequest shall have been made. (As amended by Acts approved March 31, 1897, and May 4, 1901.)

Accounts to be verified.

Pay-rolls to be certified by commissioner and secretary.

How paid.

Limit of liability.

Donations and bequests.

Belle Isle bridge, etc., part of Belle Isle.

(§ 551.) Sec. 11. The bridge connecting Belle Isle with the main land and its approaches, and such lands as may be hereafter

purchased or condemned in connection therewith, shall, for the purposes of this Act, constitute a part of Belle Isle Park, and said Commissioner shall have the custody and control of same, subject to the general directions of the Common Council, and it shall be his duty to see that all suitable rules and regulations respecting the use of said bridge and its approaches are enforced. The necessary engineers or bridge tenders shall be appointed by the Board or Commissioner of Public Works of said city, and their compensation paid from the fund of said board or Commissioner of Public Works; and the making of the necessary repairs and the maintenance of said bridge shall be under the direction and supervision of said board or Commissioner, and be subject to the authority of the Common Council, but the expense thereof shall not be made a charge upon the said park fund. (As amended by Acts approved May 29, 1897, and May 4, 1901.)

To be under custody and control of commissioner.

(§ 552.) Sec. 12. Said Commissioner of Parks and Boulevards shall receive for his services the sum of five thousand dollars per annum, payable in monthly installments. He shall vacate his office in the event of his accepting or holding any other civil office; and any Commissioner who shall be publicly nominated for any office elected by the people, and who shall not decline said nomination within ten days after he shall have been informed thereof, shall be deemed to have vacated his office. (As amended by Act approved May 4, 1901.)

Compensation of Commissioner.

Not to hold civil office.

To decline nomination.

(§ 553.) Sec. 13. The Commissioner shall make an annual report to the Common Council of his doings and of the expenditures made by him and showing the situation and condition of affairs under his control. The Common Council may require a report from said Commissioner at any time, and the records, books, papers and the accounts of the department shall at all

Annual report.

Other reports may be required.

times be subject to the inspection of the Mayor, Controller, or of any committee appointed by the Common Council for that purpose. (As amended by Act approved May 4, 1901.)

Use of public grounds.

(§ 554.) Sec. 14. The grounds of which said Commissioner may have control shall be used and enjoyed solely for the purposes for which they were established: Provided, That privileges for the hiring of boats and vehicles and other like purposes such as are usual in public parks, may be let by the Commissioner for a period not exceeding two years, but the same shall be exercised and permitted only upon the same being subject to his supervision and direction, and to such orders, rules and regulations as he may make at any time: Provided, That the said Commissioner may prohibit and prevent the construction or operation of any railway or tramway, engines, cars, or motors on Belle Isle Park or other city park, or along the boulevard. (As amended by Acts approved May 24, 1895, and May 4, 1901.)

Privileges to be let by commissioners.

Commissioner may make map of boulevard.

(§ 555.) Sec. 15. If at any time it shall appear that the lines of said boulevard, authorized by said Act approved May twenty-one, eighteen hundred and seventy-nine, have not been legally laid out, or established as provided by said Act, the Commissioner may make and certify a map or plat showing the lines of location of said boulevard, and cause the same to be recorded in the office of the Register of Deeds for said county. The Commissioner may receive conveyances granting to the City of Detroit lands for said parks, public grounds or boulevards, and with the approval of the Common Council, may agree with any person having an interest in any such lands for the purchase and conveyance to said city of the same; and with the consent of said Common Council may acquire by purchase, or by legal proceedings, in the manner hereinafter provided, any lands, or interest in

May receive conveyances.

May acquire land by purchase, or legal proceedings.

land, which may be found necessary for the opening of any park and enlargement or extension of any park or boulevard which may hereafter be laid out, located or established, and may, whenever the Common Council shall so determine, take charge of and convert into a boulevard any portion, or all, of the street known as Lafayette avenue as it is now laid out or as it may be opened at any future time. And upon such acquisitions being made, to cause the proper conveyances to be made and recorded, and the purchase price thereof, as well as any compensation to be paid for any lands which may be taken or condemned by proceedings taken therefor, as hereinafter provided, may be paid from the contingent fund of said city, or may be raised, if the Common Council shall so determine, by the issue of bonds to be known as park and boulevard bonds, and which shall be signed, numbered, recorded, sold and issued, in like manner as Detroit sewer bonds are by the city charter required and authorized to be made and issued. And the moneys so paid or raised shall be exclusive of the amounts raised for maintenance and improvement as hereinbefore provided: Provided, however, That no expenditures for the purchase of any such lands or interest for park or boulevard purposes shall be made, nor shall there be issued any bonds or other obligations of any kind for or on behalf of the City of Detroit for such purposes, until the same shall have been approved by the Board of Estimates of the City of Detroit. (As amended by Acts approved May 4, 1901, June 3, 1901, and May 20, 1903.)

May convert Lafayette avenue into a boulevard.

May issue bonds, when

Approval of board of estimates required.

(§ 556.) Section 16. Whenever in the acquisition of any land which said commissioner may be authorized to acquire, said Commissioner may find it necessary or expedient to make such acquisitions by legal proceedings as hereinafter provided, said

Legal proceedings to acquire land.

Commissioner shall present to the Recorder's Court of the City of Detroit his petition, verified by him, his secretary or attorney who may be appointed to conduct such proceeding, briefly setting forth the grounds and objects thereof, and praying that a jury of freeholders may be empaneled to ascertain and determine the necessity for the taking of such lands, and to determine or award the damages or compensation to be allowed to the respective parties entitled thereto for such takings. The petition shall set forth the description of land sought to be acquired, the purposes for which the same are sought, the names and residence of the owners of such lands or of other persons having interests therein, so far as known; and if any of such persons are infants, idiots or of unsound mind, such fact shall be stated, with the age of such infants. It shall be competent to unite in said petition two or more distinct parcels of land, though owned by different persons, and parties having different interests or estates in any land or any part thereof, may be united as respondents in respect to the same in the petition. (As amended by Act approved May 4, 1901.)

Contents of petition

(§ 557.) Sec. 17. Upon filing such petition the court shall make an order requiring all the persons named in said petition as owners or as having any interest in any of said lands, upon a day to be fixed, to appear and show cause, if any they have, why the prayer of said petition shall not be granted. A copy of said petition, with a copy of the order of the court thereon, shall be served on all the persons shown by the petition to be interested therein, at least five days before the day fixed for hearing. Proof of such service shall be filed in said court, and may be made by the affidavit of the person who made the same, or by the official certificate of the sheriff of the county in which said service may

Proceedings of court in trial of petition.

Copy of petition shall be served on persons interested

be made, his under sheriff or deputy, showing when such service was made by such officer.

(§ 558.) Sec. 18. Such service shall be made as follows:

Service of notice.

First. When his or her residence is known, upon the persons interested, unless an infant under fourteen years of age, an idiot, or person of unsound mind, either personally or by leaving such copy properly directed at his or her usual place of residence, with some person of suitable age found living there;

On residents.

On incompetent persons.

Second, If any person on whom service is made is an infant under the age of fourteen years, an idiot or person of unsound mind, and resides in this state, such service will be made as aforesaid, on his guardian, or, if none, then on the person who has the care of, or with whom such infant, idiot or person of unsound mind resides:

Non-residents.

Publication of notice.

Third, If the residence of any person so interested shall be unknown, or if he shall reside out of this state, then such service may be made by publishing a notice once a week for at least six successive weeks before the day of hearing, in some daily newspaper, published in the city of Detroit, which notice shall briefly state the object of the petition so far as such interested person is concerned, and a brief description of the land sought to be taken in which he is interested, and if the postoffice address of such person be known, a copy of such petition and notice shall be deposited in the postoffice at Detroit, at least thirty days previous to the day of hearing directed to such person, at his place of residence or postoffice address, as near as may be, postage prepaid. Proof of such publication, or the mailing of such copy, may be made by affidavit and filed in said court.

Hearing of petitions.

(§ 559.) Sec. 19. On the hearing of the petition and in all subsequent proceedings any infant, idiot or person of unsound mind, may be represented by his or her guardian, but if there shall be no such guardian or he shall not appear at the hearing to represent such infant, idiot or person of unsound mind, then the court shall, before proceeding with the hearing, appoint some disinterested person as guardian *ad litem*, to protect the interests of the person for whom he was so appointed, and the court shall likewise appoint a suitable person to represent and protect the interests of any person who may be stated in such petition, to have interests in said land, but whose name is unknown, or whose residence in unknown, or who is a non-resident of this state, and who does not appear in his own behalf, or is not otherwise represented.

Service of notice in cases not provided for.

(§ 560.) Sec. 20. In all cases not otherwise provided for, service of orders, notices, and other papers in the proceedings authorized by this Act, may be made as the said court or the judge thereof may direct.

May be adjourned.

(§ 561.) Sec. 21. The day of hearing may be adjourned at the discretion of the court, and if at the hearing no sufficient cause be shown against the petition, the prayer thereof may be granted. It shall be competent for the commissioners, with leave of the court, or for the court for any good reason shown, to dismiss the petition as to one or more distinct parcels of land sought to be acquired, or as to one or more of the respondents, and to proceed with the residue. If the prayer of the petition is granted, the court shall order the sheriff of the county to select at least twenty-four persons, freeholders of said city, from whom a jury shall be empaneled in the cause, and the names of said twenty-four or more persons having been selected and returned by the

May be dismissed.

said sheriff as directed by said order, the court shall thereupon cause such persons to be summoned by the usual process of *venire* to attend the court on a day to be named in said *venire* to serve as jurors; and shall then adjourn all further proceedings on said petition to the return day of said *venire*. Said *venire* shall be served by the sheriff or his deputies as in other cases. On the return day of said *venire*, the court shall proceed to empanel a jury of twelve disinterested freeholders from persons so drawn and summoned; and if such jury cannot be found from the persons who shall attend upon such summons, or if so many of the persons summoned shall be excused or shall be rejected by the court, upon challenge or otherwise, that there shall not be a sufficient number left to constitute a jury, the court shall order the sheriff of said county forthwith to summons immediately other freeholders of the said city to attend as jurors until a panel of twelve qualified jurors shall be obtained. Such jurors shall then be sworn to ascertain and determine the necessity of taking the several parcels of land sought to be taken for the purpose set forth in the petition, and if taken, to determine and award to each person entitled thereto the proper compensation to be allowed for his or her interest in the land so taken. In empaneling a jury, the practice and proceedings shall be the same as in ordinary civil suits, so far as practicable. Two peremptory challenges shall be allowed to the commissioners, and the respondents collectively shall be entitled to the same number. If any juror, after being sworn, shall die or become unable to discharge his duties, the court may appoint another qualified person to serve in his place, who shall be sworn and take his place upon the jury, or may, in its discretion, empanel a new jury.

Venire.

Proceeding on return day.

Jury to determine necessity of taking land.

Compensation for land taken.

Challenges.

Jury may examine premises.

(§ 562.) Section 22. The jury shall hear the proofs and allegations of the parties and the arguments of counsel, and if so ordered by court, shall go to the place of the intended improvements in charge of an officer, and upon or as near as practicable to any property proposed to be taken, and examine the premises. They shall be instructed as to their duties and the law in the case by the court, and shall repair in charge of an officer, and render their verdict in the same manner as on the trial of an ordinary civil suit. The testimony given shall be reported, all objections made and rulings of the court thereon, and exceptions taken being noted by the regular court stenographer, and the charge of the court, or instructions given to the jury, shall likewise be reported by him. The jury shall consider and report in writing on each distinct parcel of land and the interests in the same separately, and when all is finished bring the report into the court, and the same be filed with the Clerk. A disagreement of the jury as to one or more distinct parts of land shall not affect their report as to any lands with regard to which they have agreed; and upon such disagreement, the court may, upon motion of the Commissioner, with a view to further proceedings, permit the petition to be so amended as thereafter to relate only to the premises affected by such disagreement and to the persons interested therein, and will also cause a new jury to be drawn and empaneled, which new jury shall be drawn and empaneled in the same manner as above provided for the drawing of the original jury, and like proceedings as above provided shall thereupon be had as to the lands concerning which there was such a failure to agree, and such new proceedings may be ordered by the courts as often as may be necessary. (As amended by Act approved May 4, 1901.)

Manner of trial.

Jury shall report in writing

Disagreement of jury.

New jury to be drawn.

(§563.) Sec. 23. The court may allow the jury to take with them when they retire proper descriptions of the lands sought to be taken, as well as maps of the same, and of the premises adjacent thereto, showing the proposed improvement, and such other papers as the court in its discretion may deem it proper for them to have. The verdict of the jury may be set aside by the court and a new trial ordered for objections of law, and for matters of substance, but not for objections as to matters of form, in the same manner and on the same grounds as in ordinary civil actions in courts of general jurisdiction, and amendments either in form or substance of the petition, process and proceedings may be allowed, but if by such amendments new parties are added to the proceedings an order shall be made for their appearance, and a copy thereof and of the petition shall be served as may be directed by the court, and the proceedings shall be adjourned a sufficient length of time to enable such service to be made and the party given a reasonable time in which to appear. The court may, before the jury is finally discharged, refer their verdict and finding back to them, for the correction of any errors, defects or insufficiencies therein contained.

Jury to have use of maps, etc.

Verdict may be set aside.

Amendments may be allowed.

(§ 564.) Section 24. The court, upon motion of the Commissioner, may confirm any report made as aforesaid, unless good cause shall be shown; but if such cause is shown, the court may set aside any report and order a new jury and new proceedings as in case of the failure of the jury to agree; and upon motion of said Commissioner, as well as upon the motion of any of the respondents, may grant a new trial and order a new jury, as in case of the failure of a jury to agree; but motions for a new trial shall be made within two days after rendition of the verdict, or within such further time as shall be allowed by the court, and

Court may affirm or set aside report.

Motion for new trial to be made in two days.

if no such motion is made, or being made, is overruled, the court shall enter an order confirming the verdict of the jury, and such order shall be final and conclusive as to all persons interested therein. (As amended by Act approved May 4, 1901.)

Order of court after confirmation.

(§ 565.) Sec. 25. Upon the confirmation of any report, the court shall make a proper order declaring that all the title of the persons who have been made parties as interested in the lands in question (a description of which shall be embodied in said order) shall, upon payment, tender or deposit of the compensation as required by this act become and be vested in the city of Detroit, its successors and assigns forever, for the uses and purposes for which the same was taken. A certified copy of such order may be recorded in the office of the register of deeds for Wayne county, and have the same effect as a recorded deed.

Certified copy of order to be recorded.

Party aggrieved may appeal.

(§ 566.) Section 26. Any party interested in any of the lands so sought to be acquired who shall deem himself aggrieved by such final order, or said Commissioner, may appeal therefrom to the Supreme Court, which appeal shall be in writing and filed with the clerk of the court within five days after the making of said final order. The party or parties so appealing, shall within ten days after the making of such order, draw up a statement in the nature of a bill of exceptions, containing so much of the evidence and other proceedings as shall be sufficient to fairly present the question to be raised thereon, and present the same to the judge for his signature, and shall at the same time serve a copy of the same on the attorney of the appellee, who may propose amendments thereto; and said judge shall within ten days after said bill is presented, cause said bill, if necessary, to be corrected according to the true facts of the case, and shall sign the

Bill of exceptions.

Signing same.

same and file it with the clerk of said court, who shall forthwith make a transcript of the files and entries in said case and certify such transcript with said bill of exceptions to the Supreme Court, who shall thereupon have full jurisdiction to determine the case. Assignments of error shall be made and filed as in cases upon writ of error. If error shall be found, the Supreme Court shall reverse the order, so far as it affects the party appealing, and remand the case to the Recorder's Court for further proceedings, where the case admits of the same, and said court may permit all amendments needful to limit such further proceedings to the premises affected by such appeal and the persons interested therein, or for the same purpose to permit a supplemental petition to be filed, but in that case it shall not again be necessary to serve process or give due notice, unless it be necessary in order to bring in new parties. Said court may cause a new jury to be drawn and empaneled, and the case may be proceeded with in like manner as upon an original petition. The appeal of one or more persons interested in a final order shall not in any way affect said order as to the other persons interested therein who do not appeal, nor as to any lands or interests in lands, in which the appellants have no interest. (As amended by Act approved May 4, 1901.)

Clerk of court to make and file transcript.

Proceedings in Supreme Court

Effect of appeal.

(§ 567.) Sec. 27. Jurors in said proceedings, and all officers who shall render any services in said proceedings, shall be entitled to the same fees which are allowed for like purposes in ordinary cases of opening streets and alleys in said city, commenced in said recorder's court. And the persons appointed to represent absent or other respondents, as above provided, shall be paid such sum as the court may deem reasonable, and the said expenses shall be paid by the city in like manner and out of the fund above

Jurors' fees, etc.

mentioned from which compensation for land taken is directed to be paid.

When Commissioner shall pay or tender compensation.

(§ 568.) Section 28. Within one year after the confirmation of the jury, or after judgment of confirmation shall be affirmed on appeal, the Commissioner shall pay or tender to the respective persons entitled to receive the same, the damages and compensation awarded for taking such private property, and in case any person shall refuse the same, be unknown, or be a non-resident of said city, or cannot with reasonable diligence be found in said city, or for any reason deemmed incapacitated from receiving his amount, or the right thereto be disputed or doubtful, the Commissioner may deposit the amount awarded in such case with the City Treasurer, who shall on demand pay the same over to any person entitled and competent to receive it, taking their receipt therefor. Upon such payment, tender or deposit, the Commissioner may enter upon, take possession of and convert such private property for the uses and purposes for which it was taken, and may remove all buildings, fences or other obstructions therefrom. (As amended by Act approved May 4, 1901.)

May deposit with city treasurer in certain cases.

Original boulevard property vested in city of Detroit.

(§ 569.) Sec. 28. The estate, right, title and interest in any and all lands, which have heretofore become vested for the use of a boulevard in either of the townships of Hamtramck, Greenfield or Springwells, under the provisions of an act entitled "An act to provide for the establishment and maintenance of a broad street or boulevard about the limits of the city of Detroit, and through portions of the townships of Hamtramck, Greenfield and Springwells, in the county of Wayne," approved May twenty-one, eighteen hundred and seventy-nine, and which lands are now

included within the limits of the city of Detroit, are hereby transferred to and vested in the city of Detroit for the same use and purpose.

Previous act repealed.

(§ 570.) Sec. 30. From and after the due appointment and organization of the commission authorized by this Act, act number three hundred and seventy-four, local acts of eighteen hundred and seventy-nine, entitled "An act to provide for the establishment and maintenance of a broad street or boulevard about the limits of the city of Detroit, and through portions of the townships of Hamtramck, Greenfield and Springwells, in the county of Wayne," approved May twenty-one, eighteen hundred and seventy-nine, shall become and be repealed; *Provided*, That such repeal shall not impair or affect any acts done or rights accrued or acquired under said act. (This act is ordered to take immediate effect. Approved May 8, 1889.)

Proviso relative to property.

Rules and regulations as to sidewalks.

(§ 571.) Section 31. The Commissioner may make rules and regulations as to sidewalks on the boulevard and as to their width and location, and may describe the material and manner in which they shall be constructed on the several portions thereof. It shall be the duty of the owners and occupants of lands abutting on the boulevard to construct and keep all such walks in good repair and in suitable condition for travel thereon. Whenever in the judgment of said Commissioner the construction or repairing of any sidewalk in front of or adjacent to any such lands is necessary, he shall notify the owner, his agent or the occupant thereof, to construct or repair said sidewalk. If for the construction of a new walk, such notice shall specify the kind of material and the location where the same is required to be made, such notice shall further state the time within which such

Owners to repair, etc., sidewalks.

What notice to owners to specify.

sidewalk is to be made or repaired. If the owner or occupant of any such lands shall neglect to construct or repair such walk within the time specified within such notice, the Commissioner may cause the same to be constructed or repaired, and he shall thereupon report to the Common Council the amount of expense thereof, and the sum so reported shall be assessed upon the lands in front of or adjacent in(to) which the said walk was made or repaired, which assessment shall be a lien upon said lands until paid, and shall be levied and collected and in like manner and by the same officer, as other assessments for the construction or repairing of sidewalks are levied and collected. If said Commissioner shall deem the condition of any walk to be dangerous to persons traveling thereon, the owner of the premises in front of which such walk may be shall be considered in default, and the Commissioner may proceed at once, without notice, to construct or repair the walk, and to report the amount of the expense to the Common Council for assessment on said premises, as above provided. The moneys received from collections of such assessments shall be credited to the funds from which the cost of construction or repairs shall be paid, and any owner of lands so neglecting to build or repair shall be liable to the city for damages which shall be recovered against the city for any injuries received by any person by reason of such neglect. (As amended by Act approved May 4, 1901.)

When commissioner may repair, etc., sidewalks.

How expense thereof to be paid and assessed.

When commissioner may repair, etc, sidewalks without notice to owners.

(§ 572.) Section 32. No person shall bring, drive or lead any swine, goat, cattle or any other animal other than horses and other beasts of burden in, on or along the boulevard, Belle Isle, or any other parks or public grounds in charge of the Commissioner of Parks and Boulevards; and no person shall lead any horse, mule or other animal on said boulevard or the driveways of either

Animals not to be allowed on Belle Isle, parks, etc.

of said parks; or draw a second carriage, wagon or other vehicle with any horse or other motive power, nor drive thereon any horse before any sleigh or sled unless there shall be a sufficient number of bells attached to the harness of such horse or to such sleigh or sled, to warn persons of their approach. (As added by Act approved May 24, 1895, and amended by Act approved May 4, 1901.)

Riding and driving on, regulations for.

(§ 573.) Section 33. No person shall ride or drive in said park or along said boulevard at a rate of speed exceeding eight miles per hour, excepting that horses may be speeded on such parts of said boulevard or Belle Isle Park as may be set apart by said Commissioner for that purpose, and then only under such regulations as the Commissioner may prescribe. (As added by Act approved May 24, 1895, and amended by Act approved May 4 1901.)

Speed limitation.

(§ 574.) Sec. 34. No person shall, ride, drive or draw any velocipede, bicycle, tricycle, wheelbarrow, handcart, or any other vehicle, or any horse or other animal on the foot-walks or side-walks, grass plots or planting places of said parks or boulevards, or upon any other part or portion thereof excepting upon the carriage drives; and no person shall permit any vehicle or animal to stand upon such roadways or carriage drives to the obstruction of the way or inconvenience of travel, and no person shall solicit passengers for hire on either of said parks or boulevard, excepting by direction or permission of said commissioners. (As added by Act approved May 24, 1895.)

Riding on foot-path.

(§ 575.) Sec. 35. No person shall tie any animal to any tree or shrub, electric light tower, lamp post, fire hydrant or dock or building in said parks or boulevard, nor pluck, break, trample

Tying to trees.

upon or interfere with any grass, flower, plant or shrub in any of said parks or boulevards, or climb, peel, cut, deface, remove, injure or destroy any tree or shrub in any public park or boulevard, or pasture any animal on the grass in any of said parks or boulevards, and no person shall stand, walk or lie upon any part of any public park or boulevard laid out and appropriated for shrubbery or for grass when there shall have been placed thereon a sign having the words "Keep off the grass," or other similar words thereon. (As added by Act approved May 24, 1895.)

Heavy traffic not allowed on Boulevard.

(§ 576.) Sec. 36. No heavy traffic shall be permitted on said boulevard or any of said parks, and no person shall drive any wagon, cart, dray, truck or other vehicle for the carrying of or laden with merchandise, manure, coal, wood or building material of any kind: Provided, That when there is no alley or side street by which premises fronting on the boulevard can be reached, trucks and such heavy vehicles carrying goods, merchandise, or other articles to or from any house or premises abutting on the boulevard shall be permitted to enter thereon at the cross street nearest said house or premises in a direction in which the same are moving, and deliver or receive such goods, merchandise or articles, but shall not proceed thereon further than the nearest cross street thereafter: Provided further, That nothing in this section shall prevent the driving of milk wagons and ordinary light grocery or meat delivery wagons, along the boulevard for the accommodation of residents thereon. (As added by Act approved May 24, 1895.)

Injury to lamp-post, etc.

(§ 577.) Sec. 37. No person shall cut, break or in anyway injure any electric light tower, lamp post, fence, bridge, dock, building, fountain or other structure or property in or upon any

of said parks or boulevards, and no person shall post or fix any notice or bill or other writing or printing on any tree, tower, lamp post, hydrant, curbstone, coping, flagstone, fence, dock, bridge, wall, building or other place under the charge or control of said commissioners. (As added by Act approved May 24, 1895.)

(§ 578.) Sec. 38. No person shall drive any vehicle displaying any placard or advertisement of any kind along said boulevard, or on or along the driveway of any of said parks, nor shall any person display any placard or any advertisement of any kind on or upon or along the said boulevard or any of the said parks for advertising only. (As added by Act approved May 24, 1895.) Advertising prohibited.

(§ 579.) Sec. 39. No person shall dig, remove or carry away any sward, sand, turf or earth in or from any public park or boulevard, and no person shall open or dig up or tunnel under any part or portion of the boulevard, without a permit from the Commissioner of Parks and Boulevards, and before granting any such permit the applicant therefor shall be required to deposit with the Secretary of said Commissioner such sum of money as the Superintendent of the Boulevard, or such other officer as the Commisioner may designate for that purpose, shall estimate, will fully cover any expense to be incurred by the Commissioner in connection with such opening or tunneling, and the Commissioner may make suitable regulations and conditions with respect to issuing said permits. And said Commissioner may retain the actual expense, which shall be certified by the Superintendent, which may be incurred by the Commissioner in connection with any work done by him, for the purpose of restoring any roadways, sidewalk, planting place or other portion of said boulevard, and the Secretary shall refund to the person to whom Permits for removing sand, etc. For digging tunnel. How obtained

said permit shall be issued the difference, if any, between the amount deposited and the amount so certified by the Superintendent. Carriage or driveways and foot walks connecting with any premises adjoining the boulevard, or hitching posts thereon, shall be allowed only on a permit issued under this section, and the material used in making such ways, walks or posts, shall be determined by the said Commissioner. (As added by Act approved May 24, 1895, and amended by Act approved May 4, 1901.)

Carriage or driveways and footwalks, permits for.

Filth, etc., not to be deposited on boulevard or parks.

(§ 580.) Section 40. No person shall place or deposit any dead carcass, ordure, filth, dirt, stone, ashes, garbage or rubbish of any kind, or other matter or substances on the said boulevard or on any of said public parks, and no person shall wade into or throw any wood, sand, stone or other substance into any basin, pool, lake or fountain in any public park, or bathe or fish in any of the waters thereon, except on Belle Isle Park, where persons may bathe and swim, but only under such restrictions and conditions as may be prescribed by the Commissioner of Parks and Boulevards. And no person shall send or ride any animal into same, nor shall any person kill, molest or disturb any fish, fowl or animals kept thereon. (As added by Act approved May 24, 1895, and amended by Act approved May 4, 1901.)

Fishing.

Bathing.

Enclosures.

(§ 581.) Sec. 41. No person shall build or place any fence or other barrier around any grass plot or planting place on said boulevard or public park, or place any building or obstruction of any kind thereon. (As added by Act approved May 24, 1895.)

Playing games.

(§ 582.) Section 42. No person shall play at any game whatever in or upon said boulevard, or on any of the said parks under the charge of the said Commissioner: Provided, however, That ball, cricket, lawn tennis and other like games or recreation may

be played upon such portions of said parks as may be designated from time to time by the Commissioner, and under such rules and regulations as may be prescribed by him. (As added by Act approved May 24, 1895, and amended by Act approved May 4, 1901.)

(§ 583.) Sec. 43. No person shall engage in any sport or exercise upon said boulevard or parks as shall be liable to frighten horses, injure travelers, or embarrass the passage of vehicles thereon. (As added by Act approved May 24, 1895.) Frightening horses, etc.

(§ 584.) Sec. 44. No person shall fire or discharge any gun or pistol or carry firearms or throw stones or other missiles within said park or boulevard, nor shall any person fire, discharge or set off any rocket, cracker, torpedo, squib or other fireworks or things containing any substance of any explosive character on said park or boulevard, without the permission of said commissioners, and then only under such regulations as they shall prescribe. (As added by Act approved May 24, 1895.) Noise. Fire arms and explosives.

(§ 585.) Section 45. No person shall expose any article or thing for sale, or do any hawking or peddling, in or upon said parks or boulevards, and no person, without the consent of said Commissioner, shall play upon any musical instrument, or carry or display any flag, banner, target or transparency; nor shall any military or target company, or band or procession arrayed, march, drill or perform any evolutions, movements or ceremony within any of said parks, or upon or along said boulevard, without permission of said commissioner, and no person shall do or perform any act tending to the congregating of persons on said boulevard or in said parks. (As added by Act approved May 24, 1895, and amended by Act approved May 4, 1901.) Hawking and peddling. Music. Marching, drilling, etc. May be permitted by commissioner.

Gambling.

(§ 586.) Sec. 46. No person shall gamble, nor make any indecent exposure of himself or herself, nor use any obscene language, or be guilty of disorderly conduct, or make, aid, countenance or assist in making any disorderly noise, riot, or breach of the peace, within the limits of the said parks or boulevards; and

Sale of liquors.

no person shall sell or dispose of any intoxicating liquors in or upon any public park without the consent of the said commissioners. (As aded by Act approved May 24, 1895.)

Ferry boats and vehicles for hire, how licensed.

(§ 587.) Section 47. All boats and vessels, carriages, railroad cars and other vehicles running for hire to and from said Belle Isle Park, or any other park, shall be duly licensed and shall be subject to all the rules and regulations that may be established by said Commissioner or by the Common Council from time to time, and no person shall carry on the business of carrying passengers to and from either of said parks unless their vehicles shall be so licensed. And no person commanding or having any charge of any boat, carrying passengers for hire, shall aid or permit any passengers therefrom to land at any dock on Belle Isle Park, excepting such as may be designated for that purpose by the Commissioner, and no person having charge of any vessel, shall fasten or tie the same at any dock or wharf in Belle Isle Park, excepting for the purpose of receiving or discharging passengers as permitted by this section. (As added by Act approved May 24, 1895, and amended by Act approved May 4, 1901.)

Material on Boulevard.

(§ 588.) Sec. 48. No person shall place or deposit or allow to be placed, or keep or deposit on any part of said boulevard any building material without the written permission of said commisioners, which permit shall state the space to be occupied

Must obtain permit.

and the length of time during which said permit shall be in

force, and every person having use of any portion of said boulevard for the purpose of erecting or repairing any building, or for placing or keeping any building material or any other article or thing thereon which shall cause any obstruction to travel thereon, or render the same in any respect dangerous to travelers thereon, shall cause two red lights to be placed in conspicuous places, one at the end of said obstruction, from sunset until sunrise in the morning of each day during the time such obstruction shall remain, and shall also construct and maintain proper safeguards, and a good and safe plank sidewalk around such obstruction, which sidewalk shall be at least two feet wide, and no such permit shall be granted under this section unless in the application therefor the party applying shall agree to indemnify the city against all liability from injury to any person or property arising from such obstruction. (As added by Act approved May 24, 1895.)

Red lights at obstructions.

Sidewalk around obstructions.

(§589.) Sec. 49. No person shall conduct or permit any funeral procession or hearse to be driven upon the boulevard: Provided, That nothing herein contained shall be construed to prevent the removal of any corpse from any house abutting upon said boulevard and the forming of the funeral procession thereon, but the hearse or procession shall not proceed further thereon than the nearest paved cross street in the direction in which said hearse shall move. (As added by Act approved May 24, 1895.)

Funeral procession.

(§ 590.) Section 50. No person shall remove any house or building on, along or across the boulevard, except upon the written permission of said Commissioner, which shall be issued only upon such terms and conditions and under such regulations as they (he) may prescribe, and upon a deposit with the Secretary of

Moving houses upon or across boulevard may be permitted by commissioner

said Commisioner of such sum as may be fixed by said Commissioner, and as he shall estimate will fully cover all damages to walks, roadways, grass plats, trees and other property and improvements of said boulevard; and said permit shall be issued only upon the express condition that said moving shall be commenced and completed between the hours of one and six o'clock in the forenoon, and the occupancy of the boulevard shall continue only between said hours, that the said moving shall have been completed, the roadway, grass plats, walks and other improvements shall be restored to their former condition by the said Commissioner, or under the supervision of the Superintendent, and the Superintendent shall thereupon certify to the Secretary the actual expense incurred in such restoration, and the Secretary shall refund to the person to whom said permit shall be issued the difference, if any, between the amount deposited and the amount so certified by the Superintendent. (As added by Act approved May 24, 1895, and amended by Act approved May 4, 1901.)

Hours for moving.

Expense.

Punishment.

(§ 591.) Sec. 51. Any violation of the provisions of this Act shall be punished in the Recorder's Court by a fine not to exceed one hundred dollars and costs, and in the imposition of any fine and costs, the court may make a further sentence, that the offender be imprisoned in the Detroit House of Correction until the payment of such fine, for any period of time not exceeding six months. (As added by Act approved May 24, 1895.)

CHAPTER XX.

PUBLIC SCHOOLS.

An Act relative to free schools in the city of Detroit. (Approved February 24th, 1869, and amended March 28th, 1873, March 11th, 1881, and June 8th, 1883.)

(§ 592.) Section 1. *The People of the State of Michigan enact*, That the city of Detroit shall be considered as one school district, and all schools now organized and hereafter to be organized therein, in pursuance of this act shall, under the directions and regulations of the board of education, be public and free to all children residing within the limits thereof, between the ages of five and twenty years, inclusive.

Organization of board.

(§ 593.) Sec. 2. The board of education of the city of Detroit shall consist of seventeen school inspectors to be elected one from and by each ward in the said city at the spring election held every alternate year when judges of the Supreme Court are now required to be elected; and hereafter each and every ward shall be entitled to one school inspector. At the spring election of the year one thousand eight hundred and ninety nine one inspector for each the first, second, third, fourth, fifth, sixth, seventh and eighth wards shall be elected to succeed the present inspectors from those wards whose terms of office expire in the year one thousand eight hundred and ninety-nine; and at the spring election of the year one thousand nine hundred and one, one in-

Board of Education, of whom to consist.

When members are to be elected.

spector from each the ninth, tenth, eleventh, twelfth, thirteenth, fourteenth, fifteenth, sixteenth and seventeenth words shall be elected to succeed the inspectors whose terms expire in the year one thousand nine hundred and one. Each inspector shall be elected for a period of four years from and after July first following his election, except in the seventeenth ward one inspector shall be elected at the spring election in the year one thousand eight hundred and ninety-nine to fill vacancy who shall take office immediately after said election. The votes to be cast for such inspectors shall be deposited in separate ballot boxes from those used for other than city officials, and the election shall be held and votes canvassed in the manner provided by the laws governing city elections. (As amended by Act approved March 21, 1899.)

Term of office.

Manner of holding election.

Vacancy, how filled.

(§ 594.) Sec. 3. In case of any vacancy or vacancies in the office of school inspector by death, resignation, refusal to accept office, failure to elect or otherwise, the mayor may nominate and the common council may confirm the nomination of suitable persons to fill such vacancy or vacancies, and the person thus appointed shall hold office until his successor is elected, which shall be done at the next regular election for members of the board. (As amended by act approved March 6, 1889.)

Penalty for refusing to act as inspector.

(§ 595.) Sec. 4. Every person elected to the office of school Inspector, who, without sufficient cause, shall neglect or refuse to serve, shall forfeit to the Board of Education, for the use of the public library, the sum of ten dollars, to be recovered in an action of debt in some competent court; and the said board shall make all necessary rules and regulations relative to its proceedings, and punish by fine not exceeding five dollars for each offense, any member of the board who may, without sufficient cause, absent

himself from any meeting thereof, to be collected as they may direct: *Provided*, That no person shall be compelled to serve two terms succesively; *Provided, also*, That the removal of any member of the Board of Education from the ward for which he is elected school inspector, after such election, shall not operate to vacate his office, but notwithstanding such removal, any inspector so removing shall continue to hold his said office to and be a member of said board. *Provided, however*, That the removal of such member shall not be from the city.

Proviso.

Further proviso.

Proviso.

(§ 596.) Sec. 5. The school inspectors, together with the mayor, controller, treasurer and recorder of said city (who are declared to be ex officio school inspectors, having a right to a seat at the meetings of the board for the purpose of deliberation, but who shall have no vote therein), shall be a body corporate, to be known and distinguished by the name and style of "The Board of Education of the City of Detroit," and in that name may be capable of suing and being sued, and of holding and selling and conveying real and personal property as the interest of said free schools may require. (As amended by Act approved April 2, 1903.)

School inspectors shall be a body corporate

May sue and be sued.

(§ 597.) Sec. 6. The Board of Education (a majority whereof shall form a quorum) may meet, from time to time, at such place in said city as they shall designate. They may elect one of their own number president, and in the absence of the president at any meeting, a majority of the inspectors present may choose one of their number president *pro tem.*

Meetings of board and election of officers.

(§ 598.) Sec. 7. The said board shall, at the first regular meeting in July after the passage of this act, and on the first regular meeting in July of every third year thereafter, appoint a

Superintendent of schools.

suitable person as superintendent of the public schools under their control, who shall hold his office for the term of three years, or until his successor shall be appointed and enter upon the performance of his duties: *Provided*, That if such appointment shall not be made at the first regular meeting, in July, the same may be made at any subsequent regular meeting, but the term of office of the appointee shall commence and date from said first regular meeting in July: *And provided further*, That the office of the present incumbent shall not be deemed to have been vacated by this act, but he shall hold his office until the first regular meeting in July subsequent to the time when this act shall take effect, or until his successor shall be elected and enter upon the performance of his duties. The superintendent shall receive such salary as shall be fixed by the board: *Provided*, That the same shall not exceed four thousand dollars per annum. The said board may appoint a secretary of said board, who shall hold his office during the pleasure of said board, or until his office shall otherwise become vacant. The board may prescribe his duties and compensation: *Provided*, That when the office of secretary and superintendent shall be held by the same person, he shall receive no compensation for his services as secretary. The board, if it deem it expedient, may direct the superintendent to perform the duties of said office of secretary, and he shall thereupon be *ex-officio* secretary of said board. (As amended by Act approved April 2, 1903.)

Proviso.

Further proviso.

Salary of superintendent

Proviso.

Secretary of board.

Proviso.

The board to receive all moneys appropriated for school and library purposes.

(§ 599.) Sec. 8. The board of education shall have full power and authority, and it shall be their duty to apply for and receive from the county treasurer or other officer, all moneys appropriated for primary schools and Detroit library of said city, and to designate a place where the library may be kept. The

said board shall have full power and authority to make by-laws and ordinances relative to taking the census of all children in said city between the ages of five and twenty years. Said board may appoint one or more persons to take such census, and may prescribe their duties and compensation. The said board annually shall direct their president and secretary, on behalf of said board, to report to the common council of said city, on or prior to the fifteenth day of April in each year, the number of children in said city between the ages of five and twenty years; and such report shall be deemed conclusive, as to the number of such children, for the purpose of taxation as hereinafter provided. Said board shall also have authority to make by-laws and ordinances relative to making of all necessary reports and transmitting the same to the proper officers, as designated by law, so that said city may be entitled to its proportion of the primary school fund; relative to visitation of schools; relative to the length of time schools may be kept, which shall not be less than three months in each year; relative to the employment and examination of teachers, their powers and duties; relative to regulation of schools, and the books to be used therein; relative to the appointment of necessary officers, and prescribing their powers and duties; relative to anything whatever that may advance the interests of education, the good government and prosperity of the free schools in said city, and the welfare of the public concerning the same.

Census, how taken.

Annual report of number of children between the ages of 5 and 20 years in the city.

By-laws and ordinances, etc.

(§600.) Sec. 9. The recorder's court shall have jurisdiction of all suits wherein the said board may be a party, and of all prosecutions for violation of its by-laws and ordinances.

Recorder's Court has jurisdiction to try offenses arising under ordinances of board.

(§ 601.) Sec. 10. The said board shall annually publish in some newspaper of the city (or pamphlet form), a statement of the number of schools in said city, the number of pupils instructed

Annual statement.

therein the year preceding, the several branches of education pursued by them and the expenditures for all things authorized by this act.

Library Commission.

(§ 602.) Sec. 11. The Board of Education shall establish and maintain a district library: *Provided*, That the said Board of Education may, in its discretion, elect a board of commissioners of the public library of Detroit, to which it may transfer the care and custody of the funds and property of such district library. Such board of commissioners shall not be members of the Board of Education, except in the cases hereinafter mentioned,

Powers and duties.

and when elected shall be clothed with all the powers for the management and control of the library now vested in the Board of Education, and shall consist of six members, who shall be elected

Term of.

by the Board, and shall hold their office for six years, except that the members of the first board shall be chosen for the terms of one, two, three, four, five and six years, respectively. Of this Board of Commissioners the president of the Board of Education shall be a member *ex-officio*, and it shall make annual reports to the Board of Education of the condition of the library and its funds. One member of such board of commissioners shall be elected annually in place of the member whose office expires in that year, and vacancies for any cause may be filled at any time

Vacancies, how filled.

by the election by the Board of Education of a person or persons to fill such vacancy. Such board shall be known as the "Detroit Library Commission," and may in that name exercise control over the library and all funds and property connected with or belonging to it. A special library tax of one-fifth of one mill on

Tax for library purposes.

the dollar on property assessed for city purposes shall be levied each year with the other city taxes and paid over to said commission. The treasurer of the Board of Education shall be *ex-officio*

treasurer of said Commission, and hold moneys belonging to the library fund, or to said commission, subject to their disposal. Such commission may appoint, remove or otherwise control, all persons employed in such library, and fix their compensation from time to time, in their discretion, and may appoint such officers as they see fit for their own business. (As amended March 11, 1881.) Treasurer of.

(§ 603. Sec. 12. For the erection of a public library building on any land now owned or leased; or which may hereafter be owned or leased by the board, the board shall first cause to be submitted to the citizens' meeting of said city, or any board or body created and vested with the powers of finally approving the estimates of the general taxes of the city and determining the amount thereof, a statement of the estimated expense of such building, and its fixtures and furniture, not exceeding one hundred and fifty thousand dollars, together with the amounts which it is deemed expedient to be raised during each year for a period not exceeding three years, to defray the cost of such building, fixtures and furniture. Said meeting, board or body shall thereupon proceed to consider said estimate, and may reduce the amount to be raised in any one year, or it may reduce the total amount or the time of raising the same beyond the three years; or, said estimate may be rejected altogether. If a majority of such meeting, board or body shall consent to levying the amounts specified in said estimate, or any part thereof, and the board of education shall, within one week thereafter, file its acceptance thereof with the clerk of the said city, the common council shall direct the same to be levied, assessed and collected in such amounts during the respective year as said meeting, board or body shall have given consent therefor, and in like manner as other general taxes are levied, as- Public library building. Expense. Consideration of estimate.

Proviso.

sessed and collected: *Provided*, That it shall be competent for the common council to issue the bonds of the city for the whole or part of the amount as aforesaid consented to by said meeting, board or body; said bonds to run not more than twenty years, but to be payable at any time after five years, and to bear interest at the rate of seven per cent per annum: *And provided, further*, That in case said bonds are issued, the common council shall provide for the payment of not less than five per cent. of the same per annum. All moneys realized from the issue and sale of said bonds, or from any tax levied and collected in pursuance of the provisions of this section, shall be paid to the treasurer of said board of education for the purposes hereinbefore mentioned.

Further proviso.

Moneys to be paid to treasurer of board.

Board to transmit estimate to common council.

(§ 604.) Sec. 13. It shall be the duty of the board of education to transmit to the common council through the city controller, on or before the first day of February in each year, or at such other time as the common council may by ordinance prescribe for the submission of annual estimates, an estimate of the amount of money which said board may deem necessary for the proper maintenance of the public schools of the city during the fiscal year next ensuing, which estimate shall, so far as practicable, be made in detail, specifying the amounts required for salaries of teachers and other employes of the board, repairs, fuel, supplies and general current expenses, all of which estimates shall be classified as the "Maintenance Fund." The said board shall, at the same time, transmit such estimates as it shall deem necessary for the purchase of lots, the erection and remodeling of school buildings, together with the necessary fixtures and furniture therefor and for other improvements to school buildings and grounds, which estimates shall state in detail the purpose for which appropriations are desired, all of which estimates shall be

Estimate for fiscal year.

Maintenance fund.

classified as the "Building Fund." So much of said estimates as the common council and board of estimates of the City of Detroit shall approve shall be levied and collected the same as other city taxes; and it shall be unlawful for said board of education to pay out or agree to pay out any moneys for any item or items disallowed by said common council or board of estimates; *Provided, however*, That the amount so approved for the maintenance fund shall not be less than the sum of five dollars for every child in the city between the age of five and twenty years, as the number thereof may have been ascertained by the last school census: *Provided, further*, That the common council, with the consent of the board of estimates, may cause the whole or any part of the appropriation for the purchase of lots and the erection of school buildings to be made by issue of bonds in lieu of raising the same by taxation; said bonds shall be issued in the name of the City of Detroit in the same manner as are other city bonds, shall be for a period of not more than thirty years, and shall bear interest at a rate not exceeding four per cent per annum. Moneys shall not be transeferred from either the maintenance fund or building fund to the other fund or used for the purpose thereof. (As amended by Act approved April 2, 1903.)

Building fund

Amount of the Maintenance fund.

Issue of bonds.

Period of bonds.

(§ 605.) Sec. 14. The city treasurer shall be the custodian of all moneys belonging to the board of education, and the same when received or collected or be payable by any other officer, shall be paid to him, and be deposited by him to the credit of the fund of the board of education to which the same properly belongs. The city treasurer and the city controller, before entering upon the duties of their respective offices, may be required by the said board of education to file with its secretary bonds with a responsible surety company as surety, and approved by said

Deposit of moneys.

May require bonds.

Amount of bonds.

board, in sums of not to exceed one hundred thousand dollars and twenty-five thousand dollars respectively, for the faithful performance of their duty with respect to the care, custody and disbursement of moneys raised or received for school purposes as provided by this act. The expense of such bonds shall be a charge against said board. On and after July first, nineteen hundred three, all pay-rolls, bills, accounts and claims of every character against the board, after having been duly audited and approved by said board, the certificate of which audit and approval, and the date thereof, shall be endorsed thereon by the president and secretary of said board, and the payment thereof approved by the mayor, shall be transmitted to the city controller. It shall be the duty of the controller to carefully examine and verify all vouchers so transmitted, and if he finds the same to be correct, to draw his warrant on the city treasurer therefor, at the same time charging the appropriations from which the same are payable with the amount thereof. No bill, account or claim shall be audited or approved by said board unless the same shall be accompanied with a sworn affidavit of the person rendering the same that he verily believes the services or property therein charged have been actually performed or delivered for said board, that the sums charged therefor are reasonable and just, and that, to the best of his knowledge and belief, no set-off exists, nor payment has been made on account thereof, except such as are included in, or referred to in such account. A similar affidavit shall be required upon all pay-rolls, said affidavit to be made by the person under whose supervision the services charged have been rendered. It shall be unlawful for the controller to draw his warrant upon any appropriation on account of said board when the same shall have been already exhausted by warrants previously drawn on account thereof. (As amended by act approved April 2, 1903.)

Endorsement of bills, etc.

Affidavits.

When appropriation exhausted.

(§ 606.) Sec. 15. Repealed by act approved May 23, 1893.)

(§ 607.) Sec. 16. When the collectors of the said city shall have made their final returns of the collection of taxes, the receiver of taxes of said city shall thereupon notify the secretary of said board of education, stating the whole amount of school tax provided for in this act, the amount collected, and the amount returned to them as unpaid or uncollected.

Receiver of taxes notifies board of amount of school tax collected.

(§ 608.) Sec. 17. Before any contract entered into by said board for the purchase of any real estate, erection, remodeling or repairing of any building, or for any other work, shall be valid or binding upon said board, there shall be endorsed thereon by the city controller a certificate that the money proposed to be expended under said contract is actually in the treasury or that an appropriation has been made therefor: *Provided*, That no contracts so submitted shall be certified by the controller until all contracts for the completed work covered by the appropriation shall have been submitted to him, and no warrant shall be drawn on the account of any such contract not containing the certificate herein required. The ex-officio members of said board shall not receive any added compensation by reason of any new duties imposed by this act.

Contracts to require certificate of controller.

No warrant to be drawn in absence of certificate herein required.

No added compensation for ex-officio members.

This act is ordered to take immediate effect. (As amended by act approved April 2, 1903.)

(§ 609.) Sec. 18. That all taxes which have been or may hereafter be assessed and levied by the common council, under and by virtue of the authority conferred by this act, shall be set forth in the assessment roll of said city, in a separate column, apart and distinguished from all other city taxes.

School tax to be separate on tax rolls

Board may borrow for temporary purposes.

(§ 610.) Sec. 19. The said board of education may, from time to time, on such term or terms of payment as they may deem proper, borrow a sum or sums of money for temporary purposes, not exceeding in all the sum of fifteen thousand dollars ($15,000), for the purposes of the free schools, as specified in this act, and to issue the bonds of said board in such form, and executed in such manner as said board may direct. The bonds issued under this act shall be a charge upon all the property of said board, which shall constitute a security for the payment thereof:

Proviso.

Provided, That the said board shall issue no bond for a less sum than five hundred dollars ($500).

Non-resident paying taxes may send children to public schools.

(§ 611.) Sec. 20. Any non-resident actually owning or occupying real estate within the city of Detroit, and paying school taxes thereon, may send any scholars who are members of his own family to the schools of said city, under such regulations as the board of education may adopt, and the school taxes thus actually paid shall be deducted from the charge of tuition which may be established for non-resident pupils.

Acts repealed.

(§ 612.) Sec. 21. All acts or parts of acts inconsistent with this act, heretofore passed, pertaining to the said free schools of the city of Detroit, are hereby repealed. There shall be added to said act new sections as follows:

Common Council may pass certain ordinances to preserve peace in schools, etc.

(§ 613.) Sec. 22. The common council of said city of Detroit shall have power to pass ordinances providing for the maintenance of good order in the public schools of said city, and to prevent any noise, confusion or disturbance in or about the same, and to enforce all reasonable rules and regulations of said board relating to the same matters; also, to prohibit and prevent the defacing,

injury, or destruction of any buildings, furniture, fences, or other property belonging to or used by said board of education.

(§ 614.) Sec. 23. No inspector shall receive any compensation during his term of office, either as inspector or for services rendered to the board in any other capacity or manner; and no inspector shall be interested directly or indirectly in any contract made by said board on its account. (As amended March 11, 1881.)

Not to receive compensation or be interested in any contract.

(§ 615.) Sec. 24. The board of education of the city of Detroit may, when so authorized by a majority vote of its members, submit to the qualified voters of the school district comprising the city of Detroit, any measure or question not coming under its general power or authority for adoption, which said board may deem just and proper toward the prosperity of, and the advancement of education in the free schools of the city of Detroit; including the submission of the question of the use of free text books in the free schools of said city. Upon the adoption of any such measure or question by said board, as aforesaid, or the adoption of free text books, by the majority vote of said board, said board shall submit said measure or questions to the qualified voters of said school district, at the next ensuing annual city election, and said qualified voters shall be entitled to vote upon any such measures or questions as aforesaid at said city elections: *Provided*, That the secretary of said board of education shall file with the city clerk of Detroit a notice in writing of the adoption by the majority vote of said board, or any such measure or question, together with a draft in writing of the form and purport of said measure or question to be so submitted to said voters for adoption or rejection. Said notice to be under the seal of said board, and to be so filed with the said city clerk at least twenty

Board of education may submit any measure or question to qualified voters.

Proviso

days before any such election. Upon the receipt of said notice, said city clerk shall cause the same to be published in accordance with the laws of this state applicable to and governing annual city elections in said city of Detroit.

Manner of conducting elections, etc.

The manner of conducting said elections, the method of submitting said methods or questions and the voting upon the same, the keeping of the poll list, the canvassing of votes, the certifying of returns upon the same, and all other proceedings connected with the practicable submission of said measures or questions, including the providing of, the printing and delivery of, and the distribution of ballots, shall be the same, as nearly as may be, and as now is, and as hereafter may be provided for by the laws of this state governing city elections: *Provided, further*, That any such measure or question submitted, as aforesaid, to the electors of said district, shall be placed on a separate ticket or ballot, and the same deposited by the inspectors of election in separate ballot boxes to be provided by the city of Detroit for that purpose, and the clerks of election shall make a separate poll list, which shall contain the names of all women voting at said election upon such measures or questions. If a majority of the qualified electors of said districts so vote in favor of the furnishing of free text books by said board in said district, said board of education shall have full power and authority, and it shall be its duty, to advertise for bids under the rules and regulations of said board, and to purchase such books from the party or parties making the lowest bid for the furnishing of the same to said board, and said board shall, as soon as practicable, after purchasing the same, supply the free schools in the city of Detroit with the said free text books. If a majority of the qualified electors of said district at any such election either adopt or reject any such measure or question so

submitted by said board, then said board of education shall abide by the result so voted upon. (As amended by act approved June 8, 1891.)

Qualifications of electors

(§ 616.) Sec. 25. The qualifications of electors in the school district comprising the city of Detroit shall be the same as those prescribed by the laws of this state, and the United States, for voters at large at general city elections: *Provided*, That women of or above, the age of twenty-one years shall be qualified to vote in said school district upon any such measures or questions, including the question of free text books, submitted as aforesaid, subject to the same qualifications and regulations as those applicable to, and governing the voters of male citizens upon such measures or questions as aforesaid. (As amended by act approved June 8, 1891.)

Proviso

Proceedings of Board to be submitted to mayor for approval

(§ 617.) Sec. 26. Every resolution or proceeding of the said board of education whereby any liability or debt may be created, or originating the disposal or expenditure of property or money, shall, before it takes effect, be presented by the secretary of said board to the mayor of the said city of Detroit. If the mayor approve thereof, he shall thereon write his approval, with the date thereof, and sign the same, and thereupon such resolution or proceeding shall go into effect; and such as he shall not so approve and sign he shall return to the board with his objections thereto in writing under cover, sealed and addressed to said board. If the mayor shall neglect to approve as aforesaid any resolution or proceeding, or return the same as aforesaid with his objections within five days after the same shall have been presented to him by the secretary as before provided, the same shall go into effect. Upon the return, as aforesaid, of any proceeding, the board receiving such matter with the objections of the mayor shall proceed

Mayor may veto

If mayor veto board to reconsider, etc

to reconsider the vote by which the same was passed and adopted, and if after such reconsideration two-thirds of all the members elected to said board shall agree by ayes and nays, which shall be entered of record, to pass or adopt the same, it shall go into effect. The secretary shall, at the time of presenting any resolution or proceeding to the mayor, make a certificate in which he shall specify the day on which the same was so presented, and such certificate shall be reported to the said board and recorded in the proceedings of said board. (Added by act approved May 23, 1893.)

Secretary to make certificate of presentation of proceedings to mayor.

School teachers retirement fund.

(§ 618.) Sec. 27. The board of education of the city of Detroit shall establish what shall be known as the Public School Teachers' Retirement Fund, which fund shall be administered according to such rules and regulations, by-laws and ordinances as may be adopted by the board of trustees hereinafter provided for not inconsistent herewith. Said fund shall consist of:

What fund to consist of.

(a) Permanent fund, how made up.

(a) A permanent fund, which shall consist of:

First. All moneys received from donations, legacies, gifts, bequests and other contributions designated for said permanent fund.

Second. All moneys appropriated by the board of education or raised therefor by the approval of the common council and board of estimates.

Third. All moneys authorized by this act to be paid into said fund from tuition fees of non-resident pupils and from moneys received and designated as interest on daily balances of all moneys appropriated and collected for the payment of salaries of teachers.

Fourth. All moneys which the board of trustees hereinafter provided for may deem proper to transfer from time to time from the general fund hereinafter provided for. The interest only of this permanent fund shall be used in the payment of annuities, and for that purpose said interest shall be turned over to the general fund hereinafter provided for.

(b) General fund, how made up.

(b) A general fund, which shall consist of:

First. All moneys received from deductions made by the board of education from the salaries of teachers in the public schools of said city, which deduction shall not be less than one per cent nor more than three per cent annually of the salary of each teacher: *Provided*, That no deduction shall be made from the salary of any teacher on an amount greater than one thousand dollars.

Second. All interest or income derived from said general fund.

Third. All money, pay, compensation or salary, or any part thereof, deducted or withheld from any teacher or teachers on account of absence from duty, or any cause in accordance with the provisions of the rules of the board of education.

Fourth. All other moneys intended for the retirement fund and not already specified.

Board of trustees, of whom to consist.

The board of trustees shall consist of the president of the board of education, the president pro tem. of the board of education, the chairman of the committee on teachers and schools of the board of education, the superintendent of schools of the city of Detroit, and three teachers in the public schools of the city of Detroit, to be selected by ballot in such manner as said board of trustees shall prescribe by the teachers who contribute a per-

Term of office of representatives of the teachers.

centage of their salaries to said fund. The term of office of the representatives of the teachers after the first election shall be three years, one to be elected each year. At the first election one representative shall be elected for one year, one for two years, and one for three years. The treasurer of said board of education shall be treasurer of the board of trustees, and shall hold all moneys belonging to said funds, and shall pay out the same under the direction of the board of trustees and the board of education as hereinafter provided. The board of education shall, on recommendation of said board of trustees, determine the amount to be deducted from the salaries paid to teachers as aforesaid. Said board of education shall have charge of and administer said permanent fund, and shall have power to invest the same in the name of the board of trustees in United States government or municipal bonds and first mortgages upon improved real estate within the city of Detroit, to an amount not to exceed one-half of the assessed valuation thereof as shown by the latest assessment roll of said city, and not to exceed one-third of the cash value thereof as determined by the cashier and real estate appraiser of some bank of said city, to be designated by the board of education, as shall be deemed most beneficial to said fund. Said board of trustees shall have power to make payments from the general fund of annuities granted in pursuance of this act, and for no other purpose, and shall from time to time make and establish such rules and regulations, by-laws and ordinances for the administration of said fund as they shall deem best. And said board of trustees may provide for honorary membership in the board of trustees for donors to the permanent fund, such honorary members not to have a vote in transacting the business of the board. On and after the passage of this act said board of education shall so amend its rules or by-laws relating to the absence

Amount to be deducted from salaries.

Board of Education to administer permanent fund.

Board of trustees to make payments from general fund.

Honorary members of board of trustees.

Board of education to amend its rules or by-laws.

from duty of teachers as to provide that reasonable sums shall be deducted from the salaries of teachers on account of such absence from duty, and said sums shall be transferred to and become a part of said general fund; likewise said board of education shall so amend its rules or by-laws relating to fees received from non-resident pupils as to provide that all moneys received from non-resident pupils for tuition shall be transferred to and become a part of said permanent fund to be established and administered as herein provided; likewise said board of education shall appropriate and transfer to said permanent fund all money or moneys received and designated as interest on daily balances of all moneys appropriated and collected for the payment of salaries of said teachers: *Provided*, That the money thus constituting the permanent fund shall revert to the Teachers' Salary Fund of the board of education of the city of Detroit in case said retirement fund shall for any reason be discontinued: *Provided, further*, That from and after such time as the said permanent fund shall amount to one hundred thousand dollars no further sum shall be added thereto from the two last mentioned sources except by a two-thirds vote of the board of education. Any teacher in the public schools of the city of Detroit who has completed thirty years of service as teacher in the public schools, twenty years of which shall have been in the public schools of Detroit; also any teacher who has taught twenty-five years in the public schools of Detroit shall, upon application, be placed on the roll of annuitants by said board of trustees. Any teacher in the public schools of the City of Detroit who has completed twenty-five years of service as a teacher in the public schools, fifteen years of which shall have been in the public schools of Detroit, may be placed on the roll of annuitants by said board of trustees.

Proviso, in case retirement fund is discontinued.

Who may be placed on the roll of "annuitants."

Any teacher in the public schools of the city of Detroit who shall in the judgment of said board of trustees become so disabled or incapacitated as to be unable or incompetent to perform the duties of teacher, may be placed on the roll of annuitants by a two-thirds vote of the whole board of trustees, provided said teacher shall have completed twenty years of service as a teacher in the public schools, ten years of which shall have been in the public schools of Detroit. Any teacher who shall resign or be removed for cause shall, upon application within three months after date of such resignation or removal, be entitled to receive such sum as said trustees shall direct, not to exceed one-half of the total amount paid by such teacher into such fund. Each teacher placed on the roll of annuitants shall be entitled to receive an annuity which shall not exceed the sum of two hundred and fifty dollars per annum. The president and secretary of the board of education shall once in three months certify to the treasurer of said board of trustees all amounts deducted from the salaries of teachers in accordance with the provisions of this act, together with all amounts received from non-resident pupils for tuition, and all amounts received as interest or income from moneys appropriated and collected for the payment of salaries of teachers, which amounts, as well as all other moneys contributed to said fund or funds, shall be set apart and held by said treasurer in a special fund or funds for the purposes hereinbefore specified, subject to the order of said board of education and said board of trustees, as herein provided, except that the principal of the permanent fund cannot be expended, and the general fund shall be paid out upon warrants signed by the president and secretary of the board of trustees, and the permanent fund for the purpose of investment upon the warrant of the president and secretary of the board of

Annuitants, what to receive.

Education: *Provided*, That the board of education shall pay out of the maintenance fund of said board all sums which they shall deem necessary for printing and other current expenses of said board of trustees. All moneys belonging to the general fund of the retirement fund at the time this act goes into effect shall be transferred to the general fund created by this act; likewise all moneys belonging to the so-called endowment fund of the retirement fund shall be transferred to the permanent fund created by this act. (As added by act approved May 22, 1895, and amended by act approved May 17, 1901. The latter act repeals all acts and parts of acts inconsistent therewith.)

Proviso as to expenses, etc.

Moneys to be transferred.

(§ 619.) Sec. 28. The board of education of the city of Detroit may, respectively, by vote of two-thirds of all the members thereof, expel or remove from office any of their own members, for corrupt or willful malfeasance or misfeasance in office, or for willful neglect of the duties of his or her office, and in such case the reason for such expulsion or removal shall be entered on the records of said board of education with the names and votes of the members voting on the question: *Provided, however*, That no such member shall be expelled or removed unless he or she shall first be furnished with a copy of such charges as are laid against such member, which shall be in writing, and also be allowed to be heard in his or her defense, with aid of counsel, and for this purpose the said board of education shall have power to issue subpoenas to compel the attendance of witnesses and the production of papers, and shall proceed within ten days after service of a copy of the charge to hear and determine upon the merits of the case. If such member shall neglect to appear and answer to such charges, his failure so to do may be deemed good cause for his removal from office. (As added by act approved May 16, 1895.)

Removal of members of School Board.

Copy of charges to be furnished members.

ENLARGING AND IMPROVING THE LIBRARY BUILDING.

To authorize the city of Detroit to raise money for the purpose of enlarging and improving the public library building in said city.

Common Council authorized to issue bonds.

(§ 620.) Section 1. *The People of the State of Michigan enact*, That the common council of the city of Detroit be and it is hereby authorized and empowered to borrow a sum of money not exceeding one hundred and fifty thousand dollars on the faith and credit of said city, and upon the best terms that can be made, and to issue the bonds of said city to an amount not exceeding that sum, pledging its faith and credit for the payment of the principal and interest, but said bonds shall not be negotiated at less than their par value. Said bonds shall be denominated "Public library bonds of the city of Detroit," shall be regularly dated and numbered in the order of their issue; shall be for sums not less than five hundred dollars each; shall bear interest not exceeding six per cent per annum; shall be payable in not exceeding twenty years from date, and shall be issued under the seal of the corporation, signed by the mayor and countersigned by the controller. The controller shall keep an accurate record of said bonds, showing the class of indebtedness to which they belong, the number, date, and amount of each bond, its rate of interest, when and where the same is payable and the person to whom it is issued. No bond shall be issued under this act until the issue of the same shall have been authorized and approved by the board of estimates of the city of Detroit.

Controller to keep accurate record of said bonds.

Common Council may raise money by taxation.

(§ 621.) Sec. 2. The common council shall have power, in its discretion, to raise the sum of money above mentioned, or such part thereof as it may deem advisable for the purposes herein set

forth, by taxation: *Provided*, That the amount levied in any one year shall not increase the total city taxes levied for that year beyond the limit provided by the charter of the city of Detroit. In case the common council shall decide to raise said money by taxation, instead of by loan, such tax shall be levied and collected in the same manner as city taxes are usually levied and collected. Proviso.

(§ 622.) Sec. 3. All moneys raised under this act, whether by loan or taxation, shall be paid to the city treasurer and be credited to the "Public library building fund;" shall be applied exclusively to the purpose of enlarging and improving the present public library building in the city of Detroit, and shall be drawn from the city treasury on the order of the "Detroit library commission," in the same manner, as near as may be, as moneys are now drawn from the Detroit fire commission fund, for the use and purpose of the board of fire commissioners of said city. All moneys to be paid to city treasurer.

CHAPTER XXI.

BOARD OF WATER COMMISSIONERS.

An Act to amend the laws relative to supplying the city of Detroit with pure and wholesome water. (Approved February 14th, 1853. Laws of 1853, p. 180.)

(§ 623.) Section 1. *The people of the State of Michigan enact*, That the successors now in office of Shubael Conant, Henry Ledyard, Edmund A. Brush, William R. Noyes and James A. Van Dyke, the original board of water commissioners of the city of Detroit, are hereby named, constituted and continued as a board of water commissioners of the city of Detroit. They and their successors in office shall be known by the name of "the board of water commissioners of the city of Detroit," and in their corporate name are hereby empowered to take and hold by purchase, gift, devise, bequest or otherwise such franchises and real and personal property, either within or without the limits of said city, as may be needful or convenient for carrying out the intents and purposes of this act, and to sell and convey or lease the same whenever required by the interests of the city; to make contracts; to establish all reasonable rules and regulations; to protect the rights and property vested in the board, and to aid it in the performance of the duties imposed upon it. The board may adopt and have a common seal, and may sue and shall be subject to be sued in all courts of record in like cases as natural

Board of water commissioners

Board authorized to hold real estate, etc.

Board to adopt seal, etc.

Property held by board exempt from tax, etc.

persons. The property of the board, whether within or without the limits of the city of Detroit, shall be exempt from all taxes and assessments of every kind. No writ of attachment or writ of execution shall be levied upon the property of said board. The late Chauncey Hurlbut, for many years president of said board, having by his last will and testament devised and bequeathed a large portion of his estate to trustees for the benefit of said board of water commissioners, and under which will the income of said estate is to be applied and used by the said board of water commissioners, as more particularly expressed in said will, in furtherance of the objects of incorporation of said board, and the effect of which will be to benefit the large number of people residing, or who may hereafter reside, in the city of Detroit and vicinity, and to lessen their burden of government; now, therefore, the said board of water commissioners are hereby authorized and empowered to receive and accept all the benefits that they may derive from said will, and to use, disburse and expend all the property, estate or money that they may receive thereunder according to the beneficent intent and purpose of said Chauncey Hurlbut, deceased, as set forth in his said will and the codicil thereto, reference to which, as the same may be found in the files and records of the probate court for the county of Wayne, in this State, is hereby made. (As amended by act approved June 24, 1887.)

Board to use certain property devised for its benefit.

Term of office.

(§ 624.) Sec. 2. The said commissioners shall hold their offices respectively for the term of three, four, five, six and seven years, from the first Tuesday in May of the year one thousand eight hundred and fifty-three. Said commissioners shall, within sixty-days after the passage of this act, decide by lot their respective terms, which decision shall be notified by a

written statement to the common council of said city, which shall be entered of record on the books of the said common council; and at their first regular meeting in the month of April in the year one thousand eight hundred and fifty-six, and annually thereafter, the said common council shall elect and appoint a citizen of said city, being a qualified voter and a freeholder, as a commissioner, who shall hold his office for five years from the first Tuesday in the May next following: *Provided*, That this section shall not be so construed as to disqualify any member of the said board for reappointment. And in case of the death or resignation, or removal from the city, of any of said commissioners, the common council shall, as soon thereafter as possible, appoint to fill such vacancy, for the remainder of the term, some citizen of said city, being a qualified voter and a freeholder.

Proviso.

Vacancy, how filled.

(§ 625.) Sec. 3. The said commissioners shall choose one of their own number as president, who shall hold his office until the first Tuesday of May next ensuing the date of his election; they shall also appoint some suitable person as secretary, who shall hold his office at the pleasure of the board. And in case of the death, resignation or removal from the city of the president, the said commissioners shall have power to fill the vacancy so happening as in the first instance.

President and secretary.

(§ 626.) Sec. 4. For the purpose of construction of buildings, the purchase and installation of machinery, and the extension of water mains and other construction, or for the purpose of the payment of maturing bonds, the said commissioners shall have power, with the approval of the common council and the board of estimates, to loan, from time to time, upon the best

Power to borrow money.

terms they can make, after giving public notice by advertising in at least two papers of the city of Detroit, for six days, and in one paper in Boston, and two in New York, to be designated by said board, for such time as they shall deem expedient, a sum of money which, added to the then existing bonded debt of said board, shall not exceed one million five hundred thousand dollars, upon the credit of the city of Detroit, and shall have authority to issue bonds, pledging the faith and credit of said city for the payment of the principal and interest of said bonds, which bonds shall issue under the seal of said Board of Commissioners, and shall be signed by them, or a majority of them, and bearing interest at not exceeding five per cent per annum.

How notice to be given.

Registry of bonds to be kept.

And it shall be the duty of said commissioners to cause to be kept an accurate register of all bonds issued by them, showing the number, date and amount of each bond, and to whom the same was issued; and it shall also be their duty to cause to be furnished to the controller of said city a copy of such register as soon as the same is made, which shall be preserved by said controller, and copied into the records of said city: Provided, That the moneys realized from the sale of any bonds issued under the provisions hereof shall be used only for the purpose for which said bonds were issued, and any premium above the par of said bonds which may be realized on the sale thereof, and any accrued interest at the time of making the sale of said bonds, shall be paid into the sinking fund of said board. If the said board shall at any time not have funds on hand sufficient to meet and pay any of the bonds issued by said board at the time when they shall become due, they shall have the right, with the consent of the common council and the board of estimates, to issue new bonds for such amounts, and on such time as they

When new bonds may be issued.

shall deem expedient, in the place of the bonds so becoming due, as aforesaid, or such part thereof as said board shall be unable then to pay; but in no instance shall such new bonds when issued bear interest at a higher rate than the old bonds for which the same shall be issued. The said old bonds shall be taken up and cancelled, and such cancellation recorded or otherwise indicated in the registry thereof and the new bonds shall be recorded in the registry in which said old bonds were recorded, as provided by the law under which said old bonds were issued. Notwithstanding the payment of any bonds issued hereunder, the board shall have the right, with the consent of the common council and board of estimates, to issue said bonds for like purposes, the only limitation upon the power hereby conferred being the amount of the total bonded debt as above set forth. (As amended by Act approved June 6, 1901.)

Old bonds to be taken up and cancelled.

Bonds may be issued for like purposes.

Limitation upon issue of bonds.

(§ 627.) Sec. 5. It shall be the duty of said commissioners to examine and consider all matters relative to supplying the city of Detroit with a sufficient quantity of pure and wholesome water, to be taken from the Detroit river, or such other source as may be deemed expedient, for the use of its inhabitants.

Supply of water.

(§ 628.) Sec. 6. Said commissioners shall have power to employ superintendents, clerks, collectors, assessors, engineers, surveyors and such other persons as, in their opinion, may be necessary to enable them to perform their duties under this act, and to specify the duties of such persons so employed, and to fix their compensation; *Provided*, That in no case shall said commissioners receive, directly or indirectly, any compensation for their own services.

Power to employ superintendents, etc.

Commissioner not to receive compensation.

Duty of Board to erect and maintain water works, etc.

(§ 629.) Sec. 7. Said commissioners shall have power, and it shall be their duty at all times, whenever the necessary funds are provided, to erect and maintain, within or without said city, such reservoirs, buildings, machinery and fixtures, and to lay such pipes and construct such aqueducts and other works, and secure and maintain the same as shall be required to furnish a full supply of water for public and private use in said city, and to conduct, discharge, dispose of and distribute the same. The

Power to purchase real estate.

commissioners may take by gifts, purchase, lease or otherwise, as hereinafter provided, and hold such real and personal estate, and create such rights therein as may be necessary for the purposes aforesaid. Whenever any lands are taken by said board without the consent of the owner, as hereinafter provided, the commissioners shall cause to be recorded, in the office of the register of deeds of Wayne county, a certificate, giving the name of the owner (if known) at the time of such taking, and

Pipes laid through private property; certificate to be filed of record.

a sufficiently certain description of such land. Whenever pipes, aqueducts or other works are laid or constructed by the board beneath the surface of the soil belonging to any person or private corporation, the commissioners shall in like manner cause to be recorded a certificate containing the name of the person or corporation (if known) owning the soil at the time such pipes, aqueducts or works are laid or constructed therein, a brief description of the land in which they are situated, their general character and direction, and such further statements thereof as shall enable persons to determine their location with reasonable certainty. Such certificates shall be signed by the president and secretary of the board, and recorded and indexed as deeds, in which the owner of the land is grantor and the board of water commissioners of the city of Detroit is the

Effect of record.

grantee. The record thereof shall be deemed public notice of all

matters therein contained. The register shall receive the usual fees for recording such certificates. (As amended by Act No. 359, Session Laws of 1873.)

(§ 660.) Sec. 8. The commissioners shall provide and erect five hydrants, at such localities in said city as may be deemed necessary and ordered by the fire commission or the common council of said city: Provided, that the expense thereof shall be paid from the funds of said fire commission when their erection is ordered by the fire commission, or from the appropriate fund of the city when ordered by the common council; and, for the purposes of this act, to conduct pipes, aqueducts or other works over or under any water course, or under any street, alley, turnpike, road, railroad highway or other way, within or without the city of Detroit, but in such a manner as not to unnecessarily obstruct or impede travel thereon; and with the consent and under the supervision and direction of the department of public works, may enter upon, dig up and backfill, with like restrictions as to travel, such street, alley, road or way, to lay such pipes, or construct such aqueducts and other works beneath the surface thereof, and to maintain and repair, or renew the same; the department of public works to restore the concreting and pavement of said street, alley or way, to its former condition so far as may be; expense of inspection and restoration of concreting and paving to be paid by said board of water commissioners to the department of public works. The commissioners may erect drinking hydrants for public use to each block in the city, and keep the same in repair; and, with the consent of the common council of the city, they may also erect fountains in such public grounds of the city as they deem expedient. (As amended by Act approved June 6, 1901.)

Fire hydrants to be erected.

Expense of, how paid.

Laying of pipes, aqueducts, etc.

Expense.

Drinking hydrants may be erected.

Water rates to be assessed.

(§ 631.) Sec. 9. Said commissioners shall from time to time cause to be assessed the water rate to be paid by the owner or occupant of each house or other building having or using water, and against any person or persons using water, upon such basis as they shall deem equitable; and such water rate shall become a continuing lien until paid upon such house or other building and upon the lot or lots upon which such house or other building is situated; and said board shall also have the power to bring suit to recover any water rate so assessed in any court of competent jurisdiction: Provided, however, That in making the aforesaid asessments for water rates the said board of water commissioners shall provide a sum of not less than twenty-five thousand dollars in each year in excess of the expense and cost of maintenance and operation, which shall be placed in the sinking fund and for the purpose of the payment of the interest and the principal of all bonded indebtedness until such indebtedness is fully paid. (As amended by Act approved June 6, 1901.)

Sinking fund provided for.

Power to make by-laws for the collection of water rates.

(§ 632.) Sec. 10. Said commissioners shall have full power to make and enforce all necessary by-laws, rules, and regulations for the collection of said water rates, either by the appointment of collectors to demand the same, requiring payment at the office, shutting off the water, or by a suit at law before any court of competent jurisdiction, or by the sale of the lot or premises upon which such rates shall have become a lien: *Provided*, That such sales shall be conducted in the same manner, and shall have the same force, virtue and effect of sales of lots delinquent for city taxes: *And provided, further*, That the attempt to collect the said rates by any process above mentioned shall not in any way invalidate the lien upon the lot or premises.

Sale of property for non-payment of water rates.

(§ 633.) Sec. 11. The said commissioners shall cause to be

kept an accurate record of all proceedings, together with a list of all assessments for water rates, which shall be subject to inspection at all times. Record of proceedings.

(§ 634.) Sec. 12. It shall be the duty of said commissioners to make a report to the common council of said city annually, which report shall embrace a statement of the condition and operation of the works, a statement of the funds and securities of said board, and all debts due and owing to and from said board, together with an accurate account of their expenses; which statement shall be certified by said commissioners, and shall be entered of record by the clerk of said city, and published in such manner as said common council may direct. Report to common council.

(§ 635.) Sec. 13. Whenever the receipts of said board, from water rates, or other sources, shall accumulate so that there shall be a surplus, amounting to a sum of not less than five hundred dollars, and needed for the payment of the current expenses, or the extension of said works, it shall be the duty of the commissioners, together with the auditor of said city, who shall be associated with them for that purpose, to invest the same in some safe stocks, or upon other real or personal securities. Such investment shall be made in the name of said board, and in such manner as to make the same available for the payment of interest and principal of the bonds issued as aforesaid, as soon as may be. It shall be the duty of said commissioners to pay the interest on such bonds, and as fast as such surplus fund will permit, also the principal, as the bonds become due, as funds for such purpose shall, from time to time, accumulate. The said commissioners may, when they have funds for that purpose, purchase the bonds so issued as aforesaid, whether the Surplus funds to be invested. Payment of bonds and interest. Purchase of bonds.

same have become due or not; and in case the said commissioners shall at any time not have funds on hand sufficient to meet any of the said bonds at the time when they shall become due, they shall have the right to issue new bonds, for such amount and on such time as they shall deem expedient, in the place of the bonds so becoming due as aforesaid; the said old bonds to be cancelled in the registry thereof, and the said new bonds to be recorded in the manner hereinbefore provided.

New bonds may be issued.

Old bonds cancelled and new bonds registered.

Oath of Commission.

(§ 636.) Sec. 14. Before entering upon the duties of their office, said commissioners shall each take and file with the city clerk an oath or affirmation, similar to that provided in the case of other officers of said city.

Mains laid through private premises to remain property of Board.

(§ 637.) Sec. 15. The material of all pipes, aqueducts and other works laid or constructed above or beneath the soil of any person or private corporation, shall be and remain the sole property of the board, and subject to its exclusive control and management, and no person shall interfere or meddle therewith without the written assent of the board, signed by its president and secretary. (As amended by Act. No. 359, Session Laws of 1873.)

Commissioners may be removed.

(§ 638.) Sec. 16. Any member of said board of commissioners may at any time be removed, by a vote of two-thirds of the members elect of the common council of said city, for sufficient cause, and the proceedings in that behalf shall be entered on their journal: *Provided*, That the said common council shall previously cause a copy of the charges preferred against the commissioner sought to be removed, and notice of the time and place of hearing the same, to be served on him ten days, at least, previous to the time so assigned; and in case of such re-

Copy of charges to be served.

moval, the common council shall, at their first regular meeting, or as soon thereafter as may be, appoint some person, being a citizen and a freeholder, to fill such vacancy, and the person so appointed to fill such vacancy may continue in office for the period his predecessor had to serve.

Vacancy to be filled.

(§ 639.) Sec. 17. The commissioners, and under their directions, their agents, servants and workmen, may enter upon any public or private land or water for the purpose of making all necessary surveys, and for maintaining their pipes, aqueducts and other works, and doing any other act necessary, to carry into effect the purposes herein expressed. They may also agree with all persons interested in private property as to the compensation to be paid for damages thereto by their own acts or the authorized acts of their agents and employes. Upon such agreement being made, the board shall forthwith pay the amount agreed upon. (As amended by Act No. 359, Session Laws of 1873.)

Privilege of entering upon private property for certain purposes.

Compensation for use of private property.

(§ 640.) Sec. 18. The board shall have the power to take in fee or enter upon and use private property or land, within or without the limits of the city of Detroit, for the purposes specified in this act. In case all the persons interested in said property or lands, and the commissioners shall not be able to agree upon the compensation to be paid for such taking, or for such entry upon and use of said lands for the laying of pipes and the construction of aqueducts or other works beneath the surface thereof, and maintaining and renewing the same when necessary, the commissioners shall tender, or cause to be tendered to said persons severally, such sums of money as the board shall deem a just compensation therefor; and the acceptance of the money

Power to take land in fee or for special purposes.

so tendered shall be a bar to any subsequent claim of compensation for such taking or for such entry and use. But if any of said persons shall not accept said money, or if any of them be infants, insane, residents without the State, or unknown, the commissioners, by themselves or by attorney, shall present to the circuit court for the county of Wayne a petition in the name of the board, setting forth a description of the several parcels of property which they seek to acquire, and of the lands upon which they demand the right of entry and use as aforesaid, and for which said tender has been refused; the amount tendered for each parcel, and the date of tender; the names of the persons interested therein, and their residences; who of said parties are infants, and their ages, if known; who are insane; who are non-residents, and who are unknown, and the character of their several interests so far as the commissioners can discover; whether title to the same is sought by the board, or merely the right of entry and use for the above-mentioned purposes. The petition shall also demand a jury to determine the necessity of taking said property, or of entering upon and using said land therein described, and the compensation to be paid to the several persons therefor, and shall be verified by the oath of one of the commissioners. Before such petition is presented to the court, a copy thereof shall be served upon all persons named therein whose interests will be affected by said proceeding. The copy of the petition so served shall be accompanied by a brief notice, directed to said persons, stating that said petition will be presented and application made to said court on a day and hour certain therein named, for a jury in accordance with the demand thereof. If all of the persons interested reside within one hundred miles of the city of Detroit, such service shall be made at

Proceedings when Board and owner cannot agree upon compensation.

Jury to be demanded.

Petition to be served on persons interested.

When parties reside within one hundred miles of city.

least six days prior to the day designated in the notice for the presentation and application. When any of said persons reside over one hundred miles from said city, but within the State, such service shall be made on the person so residing at least twelve days prior to the presentation and application aforesaid. If any of said persons shall reside without the State or be unknown, legal service may be had upon him or them by notice published semi-weekly for three successive weeks, immediately preceding the presentation and application, in two daily newspapers in said city. The notice shall be directed to such person or persons (if known), and shall briefly describe the property or land to be affected by the proceeding, whether the title in fee or the same is sought to be acquired by the board, or if so, to what part or portion, or merely the right of entry upon and use of land for the purpose of laying pipes or constructing aqueducts or other works beneath the soil, and maintaining and renewing the same when necessary. The notice shall also state when the petition will be presented to the court and application for jury made. When such non-resident or unknown person has an acknowledged agent of the property or land residing and present in this State, personal service of a copy of the petition and notice accompanying the same may be had upon the agent instead of said publication, in which the same time before said presentation and application shall be allowed to his principal as though he resided more than one hundred miles from said city, but within the State. The practice in making the service in this section directed, shall, except as herein otherwise provided, be as prescribed by section twenty-four hundred and eighteen of the Compiled Laws of 1871. Service of such other papers as may be necessary in the proceeding, and not hereby provided for, shall

Mode of service in certain cases

Non-residents.

Notice shall contain, what.

Service on a resident agent held sufficient notice to principal.

Service of process, etc., to be the same as under general statute.

be made as directed by the court. The court shall also appoint special guardians of infants or insane parties, when they have no general guardian. (As amended by Act No. 359, Session Laws of 1873.)

Guardians for infants.

Presentation of petition and subsequent proceedings thereon.

(§ 641.) Sec. 19. On presenting such petition to the court, at the time appointed, together with due proof of service of copies thereof, and notice as hereinbefore directed, all persons whose estate or interest in said property or land are to be affected by the proceedings, whether named in the petition or not, may show cause why the demand for a jury should not be granted, and the court shall hear the proofs and allegations of the parties. If no sufficient cause be shown against granting such demand, the court shall immediately make an order to summon twelve freeholders of said county to ascertain and determine the necessity of taking such property by the said commissioners, or of entering upon and using said land for the purposes aforesaid, and to appraise and determine the compensation to be allowed therefor; and thereupon the court shall direct the sheriff of said county to make a written list of twenty-four freeholders of the county, and otherwise qualified to sit as jurors, and residing not more than ten miles from the property or land to be affected by said proceedings. Before making such list the sheriff shall be sworn by the court to select such persons according to his best judgment, and without favor or partiality to either party. From such list the commissioners, or their attorney, may strike off six names, and the persons interested in said lands or property six names, and in case either of them refuse to do so, or none of said persons interested are present by themselves or by attorney, the court shall strike from said list six names, so as to leave only twelve names thereon. A *venire* in the usual form shall then issue

Jury; how drawn and of whom composed.

Venire to issue.

from said court, containing the twelve names remaining on said list, and commanding the persons therein named to appear as jurors at the Wayne county court room at a time not less than five nor more than ten days from the date of said *venire*, which shall be served by the sheriff at least two days before the return day thereof; service and return of said writ shall be made as in other cases. If, at the time and place specified in the *venire*, any of the persons named therein fail to appear, or if, of those appearing, any be found exempt, or shall be excused by the court, or be rejected on challenge (the right to challenge for cause being hereby reserved, as in other cases), the court may direct the sheriff to forthwith summon as many persons qualified to act as jurors not being rejected on challenge for cause, or excused, as may be necessary. The court shall impose a fine of not less than three dollars on any person duly summoned as a juror and failing to attend, unless satisfactory reason for such failure shall be shown. The jury being so impaneled as above provided, shall then be sworn to discharge their duties faithfully, impartially, and according to the best of their ability. No view of the premises to be affected by the proceedings shall be necessary, unless the jury desire it, or a demand therefor be made by some of the parties, in which case the jury shall proceed to view said premises under charge of the sheriff, as in other cases where a view is permitted or ordered by the court. None of the commissioners or persons interested, or their attorneys or agents, shall be allowed to accompany said jury. A plat of said property, when capable of being platted, showing the portion to which the title in fee is sought to be acquired by the commissioners; or (where only the right of entry thereon and use for the purposes above stated is sought) showing the loca-

Service of venire.

Fine for failure to respond to summons.

Commissioners and persons interested not to accompany jury.

tion of the pipes, aqueducts, or other works proposed to be laid or constructed beneath the surface thereof, made and certified by the official surveyor of the board (if there be such surveyor) or by the surveyor of said city, shall be placed in the hands of the jury for their inspection. Immediately after such view is had, or, if there be none, then after the jury is sworn, if no adjournment for good cause be granted, they shall proceed at the bar of said court, and, in its presence and under its direction as to matters of law, to hear and try all questions of fact as to the necessity of the taking of said property by the board, or of the entry upon by the commissioners, and using said land for the purposes aforesaid, and to determine according to their best judgment the just compensation to be paid therefor to the several parties interested. The commissioners shall have the right to open and close the case, and the court shall charge the jury as to such matters of law as shall be deemed necessary. The jury shall then retire for deliberation upon their verdict to be rendered, and shall remain together until they agree as to the question of necessity of taking or of entering upon and using said property or land, and if such necessity be found, then as to the amount of compensation to be paid to the several persons interested therein: *Provided*. That the court may in its discretion discharge the jury if it shall become apparent that they cannot agree. When the jury have agreed upon their verdict, they shall render the same in open court, and it shall be recorded by the clerk, and in their presence, and the same being read to them the jurors shall severally give their assent thereto. The verdict shall describe the property to be taken by the board where title therein is sought, and shall give a general description of the land upon which the commissioners seek the right of entry and

Proceedings of jury.

Proviso.

Verdict of Jury.

What to contain.

use for the purpose of laying pipes and constructing aqueducts or other works beneath the surface thereof, and maintaining and renewing the same when necessary, together with their proposed location of said land, the names of persons interested in said property or land, and the several amounts awarded by the jury to each of them; and the court shall thereupon pronounce judgment against the board and in favor of said several persons for said amounts. The practice upon the trial of said matters not herein otherwise provided for shall, so far as may be, conform with the trial of issues of fact in courts of record in this State. If the jury shall be unable to agree and shall be discharged by the court, the commissioners may again commence and carry on new proceedings in like manner in all respects as above provided. Within twenty days after the verdict for compensation shall have been rendered, the board shall pay or tender to the respective persons the several amounts awarded to them by the jury, and in case any person shall refuse to accept the same, be unknown, or reside without the State, or cannot with reasonable diligence be found, or for any reason be incapacitated to receive such money, or the right thereto be disputed or doubtful, the same may be deposited in court to abide the order of the court, and to be paid over to the person entitled and competent to receive it. Upon failure of the board to make such payment, tender, or deposit, within the time above specified, except when an appeal has been taken as hereinafter provided, such failure shall be considered an abandonment of the proceedings as to the person or persons entitled thereto. If at any time before verdict it shall appear to the court that there are adverse or conflicting claimants to the money or any part of it to be paid as compensation for the property or land to be

Practice, etc.

Compensation to be paid, when.

Tender of payment if not made within certain time proceedings void.

affected, an order may be entered in said proceedings directing the money, or such part as may be necessary, to be paid into court by the commissioners within said twenty days, and the court may subsequently determine who is entitled to the same, and direct to whom the same shall be paid, and may, in its discretion, order a reference to ascertain the facts. Whenever the commissioners pay any award of compensation, they shall be entitled to a receipt for such money, and if the same be refused, they may pay the same into court as if tender thereof had been made and refused. At any time before verdict, the board may, after sufficient cause shown, and upon leave, discontinue all proceedings against any or all of the persons interested, and in case such discontinuance shall be had as to only a portion of said persons, the court shall award them such costs as it may deem just to be paid by the board; and if the discontinuance be had as to all of said persons, the commissioners shall pay all costs of the proceeding. In case of discontinuance as to part or all of said persons, the court may also allow a reasonable attorney fee, to be taxed against the board. When tender has been made by the board to any persons interested, before the presentation of the petition and application as hereinbefore directed, and the jury shall award to such persons no greater compensation than the sum tendered, the court shall allow against him and in favor of the board such costs as may be just, and the same may be deducted from the amount to be paid to such person. No attorney fee shall be allowed to the board, and no such fee shall be allowed to any persons except to those who on the trial of said matter have actually appeared by attorney. The costs and fees to be allowed in such proceedings shall be such as are provided by the general laws of the State, and where no provision is made,

Costs where proceedings are discontinued.

Cost and fees to be the same as under general laws.

then such as the court may direct. All questions of costs, except as in this act provided, shall be in the discretion of the court. When payment, or tender or deposit has been made by the commissioners as above required, they shall be entitled to and may take exclusive possession of said property and land, and shall hold the same in fee, and may at all times erect such reservoirs, buildings, machinery and fixtures thereon as the board may deem necessary or proper to carry out the purposes of this act, or where only the right of use as aforesaid has been sought and obtained by the board, and shall have the perpetual right to enter upon said land, and lay pipes and construct aqueducts and other works beneath the surface thereof, and to maintain and renew the same whenever necessary, but in no other place or portion of said land than that decided upon in said proceedings. (As amended by Act No. 359, Session Laws of 1873.)

Commissioners entitled to possession upon payment or tender.

(§ 642.) Sec. 20. Any person interested in said property or land, feeling himself aggrieved by the verdict of the jury and the judgment rendered thereon, and who shall not have received the compensation awarded him, may appeal to the supreme court, by filing, in writing, with the clerk of said circuit court, a notice of such appeal and specifications of the errors complained of, within ten days after the rendering of said verdict and pronouncing said judgment, and serving within the same time a copy thereof upon the board, and filing a bond with said clerk, to be approved by the judge of the court or a circuit court commissioner of said county, conditioned to prosecute said appeal, to effect and pay all costs that may be adjudged against him in case said verdict and judgment be affirmed. On filing of said bond the clerk shall, as soon as practicable, transmit to the supreme court a certified copy of all of said proceedings on file in

Appeal to Supreme Court.

Bond on appeal

his office. The supreme court shall, at the next term thereafter, hear and determine the matter of said appeal, and affirm or reverse said verdict and judgment; but the same shall not be reversed for any mere matter of form, nor for errors, except errors of law, and only in regard to the appellant or appellants. The court shall give judgment for reasonable costs and expenses in the matter of the appeal; and all costs and expenses awarded to the commissioners, in case of affirmation, shall be applied on and deducted from the compensation to be paid the appellant or appellants against whom the judgment and verdict below have been affirmed. When the verdict and judgment are reversed the supreme court may direct the proceeding before the same or a new jury, and may make such further direction or order in the premises as may be necessary. The second verdict and judgment shall be final and conclusive; and the commissioners shall pay, tender or deposit the sums of money awarded as compensation, on such second verdict, within twenty days after its rendition, or forfeit all rights thereunder. When the original verdict and judgment shall have been reversed, in whole or in part, and the commissioners shall desire a second verdict, they shall serve notice of application for a new jury or the calling together of the former jury (as the case may be) for that purpose, only on the successful appellants. No second service of the petition shall be necessary, but the notice shall be sufficiently specific to afford the parties entitled thereto full information of the intention of the commissioners to demand a second verdict and judgment. All other proceedings to obtain a second verdict and judgment shall be, as nearly as practicable, like those to obtain the first. If the commissioners shall fail or neglect to give said notice for ninety days after reversal of verdict and judgment,

Reversal of judgment.

they shall be deemed to have abandoned said proceedings. If said appeal shall have been taken before the payment, tender or deposit above provided for, the obligation of the board to make the same shall be suspended pending the appeal, but shall be made within twenty days after affirmance of said verdict and judgment, when the same is affirmed, otherwise within the same period after a second verdict and judgment is rendered. The appeal shall not prevent the board from taking possession of said property, or from using said land for the purposes of this act: and in case the commissioners shall deem that public necessity so require, they may enter upon and take such possession and make such use of said property or land, first filing with the clerk of said court a bond approved by the judge thereof, or by the recorder of said city, in such penal sum as said judge or recorder may determine, conditioned that the board will pay to all persons interested, and particularly to the appellants, within the time above limited therefor, all such sums of money as shall be finally awarded to them as compensation in said proceedings. Said bond shall also contain such other conditions or stipulations as the said judge or recorder shall think necessary to save said persons harmless from loss or damage; and thereupon the commissioners may take possession of, or enter upon and use the property and land as aforesaid. (As amended by Act No 339, Session Laws of 1873.)

Appeal not to prevent the board from taking possession, etc.

(§ 643.) Sec. 21. If any person shall wilfully do, or cause to be done, any act whereby any work, materials, or property whatsoever, erected or used within or without the city of Detroit by the commissioners, or by any person acting under their authority, for the purpose of procuring or keeping a supply of water, shall be injured, or shall wilfully throw or place, or cause to be

To preserve the purity of water supply.

thrown or placed, any carcass of any dead animal or person, or any other deleterious or filthy substance whatever, in any reservoir, pipe, or aqueduct of said Board, through which water for public or private use is conveyed, or shall throw, or place, or cause to be thrown or placed, any such carcass, deleterious or filthy substance in the Detroit River or Lake St. Clair, within a distance of six miles above any inlet pipe of said board extending into said river, and through said supply of water or any part thereof is received, or do, or cause to be done, any other act to wilfully pollute said water, he shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not exceeding five hundred dollars, or imprisonment in the Detroit house of correction for a period not exceeding two years, or both, at the discretion of the court before which the case is tried. The commissioners shall erect notices of so much of this section as relates to reservoirs and the Detroit river and Lake St. Clair, at conspicuous points on such reservoirs and along the American shore of said river and lake, within the distance above mentioned, and for this purpose they or their agents shall have the right to enter upon private property. (As amended by Act No. 359, Session Laws of 1873.)

Notices of penalty to be posted in certain places.

(§ 644.) Sec. 22. If any person shall, without authority of the commissioners or their proper agents, perforate or bore, or cause to be perforated or bored, any distributing pipe, main, log or aqueduct belonging to said works of this board, or make, or cause to be made, any connection or communication with said pipes, aqueducts or logs, or meddle with or move the same, or any machinery, apparatus, or fixture of the board, or take down, or deface any of the notices provided for in the last section, or cause the same to be done, the person so offending shall, on

Interfering with pipes, etc.

Penalty.

conviction, be punished by a fine not exceeding one hundred dollars, and shall also be sentenced to imprisonment in the Detroit house of correction until such fine be paid, not exceeding six months. Any person who shall wilfully and maliciously break or cut any inlet pipe, main distributing pipe, log, or aqueduct used by the commissioners for conducting said water, or shall dig into, or break up, any reservoir filled, or partially filled, with water, or shall break or injure any pumping engine, or any part thereof, or any of the machinery connected therewith, belonging to said board, or cause any of said acts to be done, shall be deemed guilty of felony, and upon conviction thereof shall be punished by imprisonment in the state prison not more than five years, or by a fine not exceeding one thousand dollars, and imprisonment in the jail of said Wayne county not more than one year. All violations of the provisions of this act shall, when committed within the limits of the city of Detroit, be tried in the recorder's court of said city, and when committed beyond said limits, they shall be tried in the circuit court for the county of Wayne. (As amended by Act No. 359, Session Laws of 1873.)

Interfering with inlet pipes.

Penalty.

(§ 645.) Sec. 23. The commissioners shall have power to extend their distributing pipes, aqueducts and mains, and erect hydrants, without the limits of said city, and to regulate, protect and control such portions of their works and the water-supply therefrom in the same manner that they may regulate ,protect and control their works and the water supply within the city. *Provided*, That before any water shall be supplied to any person or persons residing outside the limits of the city, the entire cost of laying such distributing pipes,

Distributing pipes may be extended outside of city limits.

Proviso for supplying water outside city limits.

including the cost of superintendence and engineering, shall be paid to the said board, and all such distributing pipes through which any water shall be supplied by said Water Board shall be the property of said board, and form a part of its system of distributing pipes: *And further provided*, That the rates at which water shall be sold to persons residing outside the city limits shall be discretionary with said Board of Water Commissioners, but shall be not more than double the amount charged to citizens of Detroit. They shall also have such other and further powers and rights not herein granted as are given to water boards by the general laws of this State, and as are not inconsistent with the powers and rights herein granted. (As amended by Act approved June 6, 1901.)

Rates outside city limits.

Commissioners to report to Common Council what sum may be required to pay interest, etc.

(§646.) Sec. 24. It shall be the duty of said commissioners, at least thirty days before the time fixed by the ordinance of said city for assessing city taxes, to make a special report to the common council of said city, what, if any sum, will be needed by said commissioners, over and above the revenue of said board, to meet the payment of interest or principal of the bonds issued as aforesaid; and it shall be the duty of the common council to raise said amount by a special tax, in the same manner as general taxes, to be designated a water tax; and the said amount shall be paid over to said board by the treasurer of said city.

Common Council to raise sum by tax.

Commissioners not to be interested in contracts or purchase of materials.

(§647.) Sec. 25. No one or more of the said commissioners shall be interested, either directly or indirectly, in any contract entered into by them with any other person; nor shall they be interested, either dirctly or indirectly, in the purchase of any material to be used or applied in and about the uses and purposes contemplated by this act.

Lands, etc., of present works conveyed to the Board of Commissioners

(§ 648.) Sec. 26. All lands, lots, docks, buildings, machinery, pipes, logs, hydrants, and all fixtures whatsoever, purchased, designated or used for the present water works of the city of Detroit, are hereby conveyed to and vested in said board of commissioners, who shall have full power to regulate, protect and control the same; and all the authority, rights and power heretofore exercised and had by said city, over said works, are hereby continued to and vested in said board of commissioners.

Power to make by-laws, etc.

(§649.) Sec. 27. The said commissioners are hereby vested with full power to make and enforce such by-laws, regulations and ordinances as may be necessary to carry into effect the object and intent of this act, and to supply any power or mode not already specified therein, and shall cause all such by-laws, regulations and ordinances to be entered into a book to be kept for that purpose, and signed by the president and secretary, which, when so entered and signed, shall be evidence in any court of justice.

By-laws etc., to be entered in a book.

Commissioners may make rules for extension of pipes and mains.

(§650.) Sec. 28. The board of water commissioners of the city of Detroit, in addition to all other powers conferred upon them may make rules and regulations as to extension of new water pipes and mains, the size and location thereof, and the material and manner in which they shall be constructed. Whenever, in the judgment of said commissioners, it shall be necessary to lay and construct water pipes and mains in and through streets and alleys in which no water pipes and mains now are laid, it shall be the duty of said commissioners to declare by resolution that in their opinion such necessity exists, specifying in such resolution the streets or alleys through which it is proposed to extend or lay such pipes, and the size, material and estimated cost thereof. Such resolution shall fix a time and place when

Shall by resolution declare necessity of construction, etc.

said commissioners will hear any person desiring to object to such proposed construction and extension of such water pipes and mains. Said commissioners shall cause notice to be published in one or more daily papers printed in the English language in said city for at least five days prior to said time fixed for hearing said matter that it is proposed to levy an assessment upon the land or lands abutting the street or alley through which it is proposed to lay and construct such pipes and mains, for the cost thereof. At the time fixed for such hearing, or at such time to which the same may be adjourned, such commissioners shall attend for the purpose of hearing and deciding upon objections thereto, and if no sufficient cause to the contrary be shown, the said commissioners may cause the said water pipes and mains to be laid and constructed as set forth in said resolution, and an accurate account shall be kept of the cost thereof. When the work of laying and constructing such pipes and mains is fully completed and performed, the said commissioners shall report the completion thereof to the common council and shall at the same time report the cost thereof. Upon receiving such report it shall be the duty of the common council to cause the sum so reported to be assessed upon the lot abutting the street or alley through which said water pipes and mains have been laid, in proportion to the frontage of such lot or lots; provided, that no lot shall be assessed on more than one front, and where such pipes and mains are constructed across more than one front of a lot, only the shortest front shall be estimated in making the assessment; and provided, further, that no lot or lots shall be assessed for a larger sum than its proportionate share for laying and constructing a pipe or main six inches in diameter, and that whenever it shall have been necessary in the judgment of said commissioners to

Shall cause notice to be published.

Account of cost of construction to be kept.

Report completion and cost to Common Council.

Common Council to cause assessment to be made.

No lot to be assessed on more than one front.

Assessments to be based on cost of constructing six inch pipe.

lay and construct pipes and mains of a larger size than six inches in diameter through the whole or any part of such proposed extension, then said commissioners shall determine the cost and expense of laying and constructing pipes and mains six inches in diameter, and such sum shall be reported to the common council for assessment in lieu of the actual cost of such larger pipes and mains. Property already supplied with water shall not be assessed for water mains and pipes heretofore laid, nor shall property once assessed for water pipes and mains under this act be liable for any additional or further assessments therefor. The sum so reported as aforesaid shall be levied and collected by the same officers that levy and collect assessments for the construction and building of lateral sewers, and in such manner as the common council may by ordinance prescribe. The assessment roll for such assessments shall be made in three parts, each part to contain a list of the lots or parcels of land to be assessed as provided herein with the names of the owners or occupants of each lot or parcel, and one-third of the total amount to be assessed upon each lot or parcel shall be set forth in each part. Such parts of the assessment roll shall be numbered one, two and three, respectively, and the amounts assessed therein shall be due and payable as follows: Part one, thirty days after the work for which the assessment is levied is completed and accepted; part two shall be due and payable one year after part one is due and payable, and part three shall be due and payable in two years after part one is due and payable; provided, however, there shall be added to said parts two and three in addition to the sum levied and assessed therein, interest at the rate of six per cent. per annum from and after the time part one is due and payable; and, provided, further, that in the event of the portion

Property already supplied shall not be assessed for mains and pipes heretofore laid.

Who shall collect assessments

Assessment Roll to be made in three parts.

When assessments shall be due.

Interest to be added.

of said assessment designated as part one not being paid on or before the time the same shall become due, that there shall be added to such part one a penalty of five per cent of the amount of such part or portion, and that in the event of either such parts two or two or three with interest as above stated not being paid on or before the time when they shall respectively fall due, there shall be added to such part or portion so remaining unpaid, a like penalty of five per cent. of the amount of such parts or portions, with interest, so remaining unpaid. Any person so electing may pay the total amount included in said three parts without any addition thereto for interest or penalties at the time when part one is payable. Assessments so levied shall be a lien on said lands until paid, and in default of payment the lot or lots assessed may be sold therefor in the same manner as now provided by law for sale of land for unpaid special assessments. The moneys received from collection of such assessments and the sale of lands therefor shall be credited to the funds of said board of water commissioners and paid over in the same manner as other moneys belonging to them, and when received by said commissioners shall be credited to the fund from which the cost and expense of laying and constructing the said pipes and mains has been paid. (As amended by act approved June 2, 1897.)

Penalty for non-payment.

Total amount of assessment may be paid when first part due.

Assessments shall be a lien.

To which funds to be credited.

Acts repealed.

§651.) Sec. 29. All acts or parts of acts contravening the provisions of this act are hereby repealed. (As numbered section 29, by Act 477, Session Laws of 1869.)

Act may be altered, amended or repealed.

(§652.) Sec. 30. This act may at any time be altered, repealed or amended. (As numbered section 30, Act 477, Session Laws of 1869.)

(§ 653.) Sec. 31. On and after the second Tuesday of January, eighteen hundred and eighty-two, the members of the said board of water commissioners shall be appointed by the city council of the city of Detroit, on the nomination of the mayor of said city, and vacancies shall be filled in the same manner. (As amended by Act approved June 7, 1881.)

To be nominated by the Mayor.

ACT AUTHORIZING BONDS FOR $250,000.

An Act to authorize the water commissioners of the city of Detroit to loan money for the purpose of extending and improving the water works of said city. (Approved February 6th, 1853. Laws of 1853, p. 32.)

(§654.) Section 1. *The people of the State of Michigan enact*, That the board of water commissioners of the city of Detroit shall have power to loan, upon the best terms they can make, and for such time as they shall deem expedient, a sum of money not exceeding two hundred and fifty thousand dollars, upon the credit of said city of Detroit, and shall have authority to issue bonds pledging the faith and credit of said city for the payment of the principal and interest of said bonds, which bonds shall issue under the seal of said board of commissioners, and shall be signed by them, or a majority of them, and bearing interest not exceeding eight per cent. per annum. And it shall be the duty of said commissioners to cause to be kept an accurate register of all bonds issued by them, showing the number, date and amount of each bond, and to whom the same was issued; and it shall also be their duty to cause to be furnished to the auditor of said city a copy of such register, as soon as the same is made, which shall be preserved by said auditor, and copied into the record of said city. And the said sum of money

Power to make loan and issue bonds.

shall be expended by said commissioners solely for the purpose of extending and improving the water works of the city of Detroit. This act shall take immediate effect.

ACT AUTHORIZING BONDS FOR $250,000.

An Act to authorize the water commissioners of the city of Detroit to borrow money for the purpose of extending and improving the water works of said city. (Approved February 10th, 1857. Laws of 1857, p. 200.)

Board of Water Commissioners may borrow money.

(§655.) Section 1. *The People of the State of Michigan enact*, That the board of water commissioners of the city of Detroit shall have power to borrow, upon the best terms they can make, and for such time as they shall deem expedient, a sum of money not exceeding two hundred and fifty thousand dollars, upon the credit of said city of Detroit, and shall have authority to issue bonds, pledging the faith and credit of said city for the payment of the principal and interest of said bonds; which bonds shall issue under the seal of said board of commissioners, and shall be signed by them, or a majority of them, and bearing interest not exceeding eight per cent. per annum; and it shall be the duty of said commissioners to cause to be kept an accurate register of all bonds issued by them, showing the number, date, and amount of each bond, and to whom the same was issued; and it shall also be their duty to cause to be furnished to the controller of said city a copy of such register, as soon as the same is made, which shall be preserved by said controller and copied into the records of said city; and the said sum of money shall be expended by said commissioners solely for the purpose of extending and improving the water works of the city of Detroit:

Money, how expended.

Provided, That the said board of commissioners shall not contract said loan until they are authorized and empowered so to do by the common council of the city of Detroit. This act shall take effect and be in force from and after its passage.

ACT AUTHORIZING BONDS FOR $250,000.

An Act to authorize the water commissioners of the city of Detroit to borrow money for the purpose of extending and improving the water works of said city.

((Approved February 17, 1869.)

(§656.) Section 1. *The People of the State of Michigan enact*, That the board of water commissioners of the city of Detroit shall have power to borrow, upon the best terms they can make, and for such time as they shall deem expedient, a sum of money not exceeding two hundred and fifty thousand dollars, upon the credit of said city of Detroit, and shall have authority to issue bonds, pledging the faith and credit of said city for the payment of the principal and interest of said bonds; which bonds shall issue under the seal of said board of commissioners, and shall be signed by them, or a majority of them, and bearing interest not exceeding eight per cent. per annum; and it shall be the duty of said commissioners to cause to be kept an accurate register of all bonds issued by them, showing the number, date, and amount of each bond, and to whom the same was issued; and it shall also be their duty to cause to be furnished to the controller of said city a copy of said register, as soon as the same is made, which shall be preserved by said controller and copied into the records of said city; and the said sum of money shall be expended by said commissioners solely for the purpose of

Power to borrow money and issue bonds.

extending and improving the said water works of the city of Detroit: *Provided*, That the said board of commissioners shall not contract said loan until they are authorized and empowered so to do by the common council of the city of Detroit.

Proviso.

This act shall take immediate effect.

ACT AUTHORIZING BONDS FOR $1,000,000.

An Act to authorize the board of water commissioners of the city of Detroit to borrow money for the purpose of extending and improving the water works of said city.

(Approved March 8th, 1873.)

(§657.) Section 1. *The People of the State of Michigan enact*, That the board of water commissioners of the city of Detroit shall have power to borrow, upon the best terms they can make, and for such time as they shall deem expedient, a sum of money not exceeding one million dollars upon the credit of said city of Detroit, and shall have authority to issue bonds pledging the faith and credit of said city for the payment of the principal and interest of said bonds; which bonds shall issue under the seal of said board of commissioners, and shall be signed by them, or a majority of them, and bearing interest not exceeding seven per cent per annum; and it shall be the duty of said commissioners to cause to be kept an accurate register of all bonds issued by them, showing the number, date and amount of each bond, and to whom the same was issued; and it shall also be their duty to cause to be furnished to the controller of said city a copy of such register as soon as the same is made, which shall be preserved by said controller, and copied into the records of said city; and the said sum of money shall be expended by said

Water Commissioners authorized to borrow money.

May issue bonds.

Shall keep register of bonds.

Shall furnish Controller with copy of register.

commissioners solely for the purpose of extending and improving the water works of the city of Detroit: *Provided*, That the said board of commissioners shall not contract said loan until they are authorized and empowered so to do by the common council of the city of Detroit.

New bonds may be issued.

(§658.) Sec. 2. If the said commissioners shall, at any time, not have funds on hand sufficient to meet any of the said bonds at the time when they shall become due, they shall have the right to issue new bonds for such amount, and on such time, as they shall deem expedient, in the place of the bonds so becoming due as aforesaid, or such part thereof as said commissioners shall be unable then to pay; the said old bonds so taken up shall be cancelled, and such cancellation recorded or otherwise indicated in the registry thereof, and the said new bonds shall be recorded in the manner hereintofore provided. It shall be the duty of the common council, and said council is hereby empowered, to cause to be levied and assessed annually, upon the taxable property of said city, the sum of seventy-five thousand dollars, the same to be included in each annual tax assessment levied on said city, and the same shall not require or be conditioned upon the vote of the freemen of said city. The said sum shall be collected the same as other general taxes, and shall, from time to time, as received, be paid over to said board by the treasurer of said city; and the moneys so paid over by said treasurer to said board shall be used and appropriated by said board, first, in payment of the interest of the said bonds; second, if there be any surplus, after payment of the interest accruing during the year, said moneys shall be paid into and form part of the sinking fund of said board, and used and appropriated to the payment of said

Money for payment of bonds and interest; how raised.

How collected and appropriated.

bonds when due, or to the purchase of the same, or of any other of the bonds heretofore issued by said board, as the said board may, from time to time, think expedient.

This act shall take immediate effect.

CHAPTER XXII.

BOARD OF METROPOLITAN POLICE.

An Act to establish a police government for the city of Detroit.

(Approved April 17, 1871.)

Powers and duties of police government, vested in one commissioner, etc.

(§ 659.) Section 1. *The People of the State of Michigan enact*, That all powers and duties connected with and incident to the police government and discipline of the city of Detroit shall be vested in and exercised by one Commissioner of Police, a Superintendent and other officers, and patrolmen, as hereinafter provided. (As amended by Act approved May 4, 1901.)

Council to appoint Commissioner

Sec. 2. That within five days after this Act shall take effect it shall be the duty of the common council of the city of Detroit, and it is hereby authorized and empowered to appoint a Commissioner of Police, having the qualifications of an elector and freeholder of said city, and who shall hold his office until the first day of July, nineteen hundred and five, or until his successor shall be elected and qualified. The existing board of metropolitan police shall, upon the appointment and qualification of the commissioner hereby authorized to be appointed, surrender to him all property, books, papers, documents and effects in their custody or under their control, and the said commissioner shall succeed to all the rights, privileges and prerogatives lawfully pertaining to the existing board of metropolitan police, not in conflict with

Board to surrender books, etc.

Appointment of commissioner every four years by mayor.

the provisions of this Act. At the expiration of said term, and each four years thereafter, the mayor of said city shall appoint a suitable person of like qualifications as commissioner of police for the term of four years and until his successor shall be appointed and qualified.

Appointment to fill vacancy.

The mayor shall appoint a suitable person of like qualifications to fill any vacancy in said office for the remainder of any unexpired term.

Bond.

Before entering upon the duties of his office, the commissioner of police shall file in the office of the city clerk his bond in the penal sum of fifty thousand dollars, with two or more responsible sureties, or with a responsible surety company as surety, and approved by the city controller, conditioned for the faithful performance of the duties of his office.

Superintendent to perform duties in case of absence, etc., of commissioner.

During sickness, absence, or other temporary inability of the commissioner to perform the duties of his office, the superintendent shall perform the duties and have the powers of said commissioner: *Provided*, That he shall not have authority to change any general rule or regulation, or to make appointments. (As amended by Act approved May 4, 1901.)

Term of office.

(§660.) Sec. 3. The term of office of each commissioner of the metropolitan police, after the respective determination of the terms aforesaid, shall be four years, and the mayor of said city shall appoint from the electors and freeholders of said city of Detroit, a successor to the person whose term shall expire as such commissioner. (As amended by Act approved June 5, 1891.)

Vacancy, how filled.

Any vacancy occurring during the term of any commissioner shall be filled for the unexpired portion of such term by appointment of the mayor of said city of Detroit, and the commissioner so appointed shall hold office for such unexpired portion of the term. (As amended by Act approved June 5, 1891.)

(§661.) Sec. 4. The persons severally appointed commissioners of metropolitan police by virtue of this act shall, before exercising the duties thereof, duly take and file in the office of the secretary of state, the oath of office prescribed for state officers. Immediately upon receiving said oath of office, the secretary of state shall give to each commissioner a certificate of his appointment, whereupon he shall possess the power, and exercise the duties, of commissioner of metropolitan police prescribed by this act.

Members to file oath with Secretary of State.

Issue of certificate of appointment.

(§662.) Sec. 5. Said commissioner of police shall have power to appoint a superintendent of the police force, a deputy superintendent, a captain of police for each thirty patrolmen called into service, one or more officers to be called and act as detectives, one captain and one sergeant of detectives, one sergeant of police for each fifty patrolmen, an attorney surgeon, one or more roundsmen, doorman, janitors, and such patrolmen as may be deemed necessary, or for whom compensation may be provided for by the taxes authorized to be levied in the annual tax levy of said city for the support of said department. He shall also appoint as many patrolmen, with or without compensation, in time of special emergency or apprehended danger from riot or other cause, as he shall deem expedient. Said commissioner shall also have power, for cause assigned and on a public hearing and on due notice, according to rules which shall be promulgated, to remove and suspend from office, or for a definite time to deprive of pay, any member of such police force: *Provided*, That the superintendent, deputy superintendent, either of the detectives, attorney, surgeon, secretary and property clerk may be dismissed at any time at pleasure. Said commissioner shall also make

Superintendent and other officers to be appointed.

Commissioner may remove or suspend his appointees.

Commissioner to make rules and regulations for government of force.

rules and regulations for the discipline and government of said force, and shall cause the same to be published, and shall also make and promulgate general and special orders to said force. (As amended by Act approved May 4, 1901.)

Secretary and property clerk to be appointed.

Bonds.

(§663.) Sec. 6. Said commissioner shall appoint some suitable person to act as secretary and property clerk, who shall give bonds to the city of Detroit in an amount and with sureties to be approved by said commissioner, conditioned for the safekeeping by him, and his rendition upon the order of said commissioner, of all moneys and other property which shall come into his hands by virtue of his office. Said commissioner shall fix

Compensation of officers and employees.

the compensation of each of the officers and other employes authorized to be appointed by him. (As amended by Act approved May 4, 1901.)

Commissioner to have entire control of police force.

(§664.) Sec. 7. Said commissioner shall assume and exercise the entire control of the police force of said city, and shall possess full power and authority over the organization, government, appointments and discipline within said city. He shall have the custody and control of all public property, books, records and equipments belonging to the police department, and shall

Erect and maintain lines of telegraph.

have power to erect and maintain such lines of telegraph in such places within said city as for the purpose of police he shall deem necessary: *Provided*, That the cost thereof shall be mentioned in the annual estimate of such department and shall be approved by the common council and the board of estimates. (As amended by Act approved May 4, 1901.)

Preserve public peace.

(§665.) Sec. 8. It shall be the duty of the commissioner of police and of the force hereby constituted, at all times of the day and night, within the boundaries of said city, to preserve the

public peace and prevent crime, arrest offenders and protect rights of persons and property, guard the public health, preserve order and enforce all the laws of the state and the ordinances of said city. The commissioner may designate a member of the force to perform the duties of sealer of weights and measures, and also, if necessary, a member of the force as his assistant, and the persons so designated shall have exclusive power to perform said duties in said city, and shall, during the time they are directed to perform said duties, try, prove and seal all scales, beams, weights and measures used in said city for the purpose of buying and selling, without giving any notice: *Provided*, The persons so designated shall not receive nor charge compensation or fee other than the regular salary paid from the police fund for performing said duties. The said commissioner, through a proper officer to be designated by him, shall collect all license moneys under the laws of the state, the charter and ordinances of said city, and shall account for and pay the same to the officer authorized by law to receive them; the person designated shall have exclusive power to collect said moneys in said city. Said commissioner shall designate a member of the force to perform the duties of harbor master, and the person so designated shall have the exclusive power to perform said duties in said city under the ordinances which may, from time to time, be prescribed by the common council. Said commissioner shall also appoint from time to time, as he may deem fit, one or more city scavengers, who shall have the exclusive power to perform the duties of such employment in said city, and shall be liable to such penalties as are or may be prescribed by the ordinances, and who shall be entitled to receive such compensation and fees as the common council by ordinance shall prescribe. Said commissioner

Member of force to perform duties of sealer of weights and measures.

Collection of license moneys

Member to perform duties of harbor master.

Commissioner may appoint city scavengers.

Compensation of scavengers

Commissioner to audit and allow bills.

shall audit and allow all bills for traveling expenses incurred in the pursuit of criminals, by members of the force, or any other officer or person, and present the same to the board of county auditors of Wayne county for payment, in all cases where criminals are charged with offenses in said city; and the said board of auditors shall in no way allow, or cause to be paid by said county, any bill or account for the pursuit or apprehension of criminals, charged with or suspected of the commission of crime in said city, unless the said bill or account is presented by said commissioner of police and endorsed as allowed by him. Said commissioner shall cause nuisances existing in the public streets, roads, places, highways, yards and outhouses to be removed; he shall report all leaks and defects in water pipes and sewers and all defective and dangerous sidewalks to the proper authorities.

Remove nuisances.

Provide force at fires.

He shall provide a proper force at every public fire to protect the firemen in the performance of their duties, and to preserve property for the owners thereof. He shall protect strangers and travelers at steamboat landings and railway stations, and generally shall carry out and enforce all ordinances of the city and laws of the state. Whenever any crime shall be committed in said city, and the person or persons accused or suspected of being guilty shall flee from justice, the said commissioner of police may authorize any person or persons to pursue and arrest such accused or suspected person or persons, and return him or them to the proper court having jurisdiction of the offense for trial. (As amended by Act approved May 4, 1901.)

Protect strangers.

Fugitive from justice.

Qualification, duties, etc., of officers.

(§666.) Sec. 9. The qualifications, enumerations and distribution of duties and mode of trial and removal from office of each officer and member of said police force shall be particularly

prescribed by rules and regulations of said commissioner of police, and no person shall be appointed to or hold office in the police force who is not a citizen of the city of Detroit, shall not have resided in the state of Michigan two years next preceding his appointment, who cannot read and write the English language, or who has ever been convicted of any crime: *Provided*, That no person, except the superintendent, deputy superintendent, detectives, the attorney, the surgeon, secretary and property clerk, shall be removed from said force, except upon written charges preferred against him to the commissioner of police, and after opportunity of being heard in his defense; but the commissioner of police may suspend any member of the force pending the hearing of charges against him. Said commissioner of police may also at any time in his discretion, and without charges or trial, reduce any officer from his rank, grade and pay, to a lower rank and pay, and either permanently or temporarily promote any officer to his position without regard to the relative rank or grade of such other officer: *Provided*, Whenever any vacancy occurs in the office of captain of police, the same shall be filled from among the persons then in office as sergeants, roundsmen or patrolmen. The commissioner of police shall receive an annual salary, payable from the treasury of the city of Detroit, in monthly installments, of the sum of five thousand dollars per annum. All other salaries and compensations to the officers, appointees and employes of the department shall be prescribed and determined by the commissioner of police and shall be paid semi-monthly to the persons entitled thereto. No member of the police force shall receive or share in, under any pretenses whatever, any present, fee, gift or emolument for police services, other than the regular salary and pay provided by this section,

Removals and suspensions.

Promotions.

Vacancies in office of captain.

Compensation of commissioner.

Compensation of officers, etc.

Members not to receive presents, fees etc.

except by the consent of said commissioner of police, and it shall be the duty of every member of said police force to return to the property clerk, to be disposed of as hereinafter prescribed, every present, fee, gift or emolument received by him, except said commissioner permits him to retain the same for his own use; and all moneys and proceeds of all property received from this source shall be disposed of by said commissioner as if the same had been paid or given for extraordinary services, as prescribed in the eleventh section of this Act. Nor shall any member of said force receive or share in any fee, gift or reward from any person who may become bail for the appearance of any arrested, accused or convicted person, or who may become surety for any such person on appeal from the judgment or decision of any court or magistrate, or any fee, gift or reward in any case from any attorney-at-law who may prosecute or defend any person arrested or prosecuted for any offense within the county of Wayne; nor shall any member of said force, either directly or indirectly, interest himself in behalf of or interfere in any manner whatever against persons arrested or accused, excepting in the performance of the duties of his office; and for any violation of either of the foregoing provisions the members so offending shall be immediately removed from office. (As amended by Acts approved April 4, 1901, and May 4, 1901.)

Idem. from bail or attorney.

Nor interested in any manner against accused, etc.

Penalty.

(§667.) Sec. 10. Any citizen of Detroit, or officer of the police force, with a view to the trial and suspension or removal from office of any officer or patrolman of the police force, may, on oath, in writing, prefer or make before the commissioner of police charges or complaints touching the character or competency, or affecting the acts, conduct or omissions of such officer or patrolman, or for violation or for misconduct as defined or

Complaints against officers.

prescribed b ythe rules and regulations of the police department; and said commissioner of police, after reasonable notice, in his discretion, to the person charged, shall proceed to the trial of said officer or policeman, on such charges or complaint, and shall have power to, and shall issue subpoenas, tested in the name of the commissioner of police, to compel the attendance of witness, to administer oaths and affirmations, and generally shall, for the purpose of such trial, have and exercise the powers and duties of justices of the peace in civil cases, so far as applicable, and may make an order of removal or suspension for some certain period, or may impose a fine, to be deducted from the pay of the officer accused. If on such trial such charges or complaints shall be sustained, such officer or policeman shall pay the costs of such proceedings, and the same may be deducted and withheld from his pay, and in case of his suspension his pay shall also cease from the date of the charge and during the suspension. In trials under this section the same cost shall be charged and taxed as in trials before justices, and be collected on execution, as the case may be, from the court, or on execution to be issued by any justice of the peace, on certificate of the same by the board, and order for execution, said costs when collected to be paid to the said commissioner of police for the benefit of those concerned, but said commissioner shall not tax or receive any fees for himself. (As amended by Act approved May 4, 1901.)

Trial of accused.

Costs, etc., of trial; how taxed and collected.

(§668.) Sec. 11. All rewards, fees, proceeds of gifts and emoluments that may be allowed by the commissioner of police to be paid or given for and on account of extraordinary services of any member of the police force, and all moneys arising from the sale of unclaimed goods, shall be paid into the city treasury, and shall constitute a fund to be called the "Police Fund and

Rewards, fees, etc., to be paid into the city treasury.

Police and health insurance fund.

Health Insurance Fund," and the person who shall from time to time fill the office of commissioner of police, and the person who shall from time to time fill the office of controller of the city of Detroit, are hereby declared the trustees of said fund, and may invest the same as they shall see fit, either in whole or in part, and shall have power to draw the same from the treasury for that purpose. (As amended by Act approved May 4, 1901.)

Care of disabled members of force.

(§669.) Sec. 12. Whenever any member of the police force, in actual performance of his duty, and in consequence of the performance of such duty, shall become bodily disabled, his necessary expenses, during the time his disabilities as aforesaid continue, and consequent thereof, may become a charge upon the fund provided for in the preceding section, at the discretion of the said commissioner of police and city treasurer, who shall inquire into the circumstances, and if satisfied that the charge upon said fund is correct, may order the same to be paid by the draft of said trustees upon said fund, each writing his signature thereto, but the provisions of this section shall not apply to special patrolmen (appointed) as hereinafter provided, at the request and expense of private parties. (As amended by Act approved May 4, 1901.)

Powers and duties of the commissioner, superintendent, etc.

(§670.) Sec. 13. The commissioner of police, the superintendent, or deputy superintendent, or any member of such police force, having just cause to suspect any felony is being, or is about to be, committed within any building, public or private, or on any wharf or inclosure, or aboard of any ship, boat or vessel within said city, may enter the same at all hours of the day or night to take all necessary measures for the effectual prevention of all felonies, and may then and there take into custody all persons

being concerned in such felony, and also may take charge of all property which he or they shall have then or there just cause to suspect to have been stolen. The members of such police force shall also serve and execute all process and subpoenas issued in the recorder's court and the police court of said city: *Provided*, That it shall be the duty of said commissioner of police, and of the officers of said police force, to cause to be brought before one of the police justices of the city of Detroit, at the police court of said city, every person arrested by any of the members of said police force on suspicion of felony, or for any other cause, within a reasonable time after such arrest, and such justice, on hearing the grounds of said charge may, by written order, remand such person to the custody of said police force for a period of twenty-four hours, and from time to time may renew such remand at intervals of twenty-four hours: *Provided, however*, That no such person shall be actually detained in prison more than ten days by such order. *And, provided further*, That if such person shall furnish a bond in such amount and with such sureties as such police justice may order, conditioned that such suspected person shall appear in said police court on a day named, and from day to day thereafter, as such police justice may order, to answer to any charge that may be presented against him or her; then, on the furnishing of such bond, such suspected person shall be discharged from custody. (As amended by Acts approved June 1, 1899, and May 4, 1901.)

Members to serve process recorder's and police courts.

Detention of suspects.

Bond by suspects.

(§671.) Sec. 14. If any member of the force, or if any two or more householders, shall report in writing, under his or their signatures, to the superintendent of the force, that there are good grounds (which shall be stated in said report) for believing any houses, room or premises within the said city, to be kept or

Gaming houses, etc.

House of prostitution. used as a bawdy house, house or place for the resort of prostitutes, common gaming house, common gaming room, or common gaming premises, for therein playing for wagers of money at any game of chance, or the deposit or sale of lottery tickets or lottery policies, or as a cock-pit, or for harboring criminals, or for concealing stolen property, or for carrying on any trade, occupation, calling, practice or act prohibited by law, it shall be lawful for the said superintendent to authorize, in writing, any member or members of the force to enter the same, who may forthwith arrest all persons there found, and seize all implements of gaming, or lottery tickets, or lottery policies, and convey any person so arrested before a magistrate, and bring the articles so seized to the property clerk. It shall be the duty of such superintendent to cause such arrested person to be prosecuted vigorously, and such articles seized to be destroyed, as the orders, rules and regulations of the board of police shall direct.

Lotteries.

Implements to be destroyed

City to be divided into precincts. (§672.) Sec. 15. It is hereby made the duty of the commissioner of police, for more effectually distributing and enforcing its police government and discipline, to divide the said city of Detroit into precincts, without regard to ward boundaries, and to assign captains of police, or other proper officer, to each of the said precincts, as he shall deem for the best interests of the said city. He may from time to time establish a station or sub-station in each precinct or division, for the accommodation of the police force on duty therein. It shall be the duty of the police force to respect and obey its superintendent of police as the head and the chief of the same, subject to the rules, regulations and general orders of said commissioner of police. (As amended by Act approved May 4, 1901.)

Stations.

Special policemen.

(§673.) Sec. 16. The commissioner of police is hereby authorized to appoint persons of suitable character, who may be in the employment of the city and other departments, special policemen or patrolmen, provided such special policemen shall not be paid for their services as policemen, either from the police fund or from the city or county treasury. Such policemen shall possess the same powers as the regular police patrolmen, but shall obey the rules and regulations of the commissioner of police, and conform to the general discipline. Said commissiner shall also furnish, on request of the corporation counsel, one or more detectives, who shall be assigned to duty in connection with said department, and shall receive such salary as shall be fixed by said commissioner of police, payable from the police fund in bi-monthly installments. (As amended by Act approved May 4, 1901.)

Powers of special policemen.

Detectives for corporation counsel.

Compensation of detectives.

Additional patrolmen.

(§ 674.) Sec. 17. The commissioner of police, whenever it shall to him seem proper, may, on the application of any person or persons showing the necessity thereof, appoint and swear in any number of additional patrolmen, to do duty at any place within said city, at the charge and expense of the person or persons by whom the application shall be made; and the patrolman so appointed shall perform duty only at the place designated in such application, or by said commissioner, and shall continue in office at the pleasure of said commissioner, subject to and under the rules and regulations of said department, and shall conform to the general discipline of the force and such regulations as shall be made for their government. They shall wear such dress and emblems as the commissioner shall prescribe, and shall possess as conservators of the peace all the powers and privileges, and shall perform all the duties of the force herein prescribed:

Dress and emblems of additional patrolmen.

Proviso. *Provided*, That no patrolman shall be appointed under this section until he shall have paid into the trust fund hereinbefore provided the sum of five dollars. The person so appointed may be removed at any time by the commissioner of police without cause assigned for the removal. The commissioner of police may also, upon any emergency, or mob, pestilence, invasion, or during any day of public election or celebration, appoint as many special patrolmen from among the citizens of Detroit as he may deem advisable for a specified time; and during the term of service of such special patrolmen they shall possess all the powers and privileges and perform all the duties of patrolmen of the force herein created, and shall receive such compensation, not exceeding three dollars per day, as said commissioner may prescribe: *Provided, always*, That nothing herein contained shall give said commissioner or said patrolmen power to do anything in conflict with the powers of inspectors of election in said city: *And, provided further*, That policemen stationed at the polls on election days shall perform all the duties of and be subject to all provisions of law relating to their attendance or to the attendance of constables at the polls on election days, and no constable in said city shall receive compensation for attendance upon the polls. (As amended by Act approved May 4, 1901.)

Special patrolmen in cases of emergency, mob, etc.

Compensation of special patrolmen.

Proviso.

Duties of policemen at the polls on election days.

Resignations. (§ 675.) Sec. 18. No member of the police force, under penalty of forfeiting the pay which may be due to him, shall withdraw or resign from the police force unless he shall have given one week's notice thereof in writing to the superintendent of police; and no person who shall ever be removed from the police force established by this Act for cause shall be reappointed by the commissioner of police to any office in the police force. (As amended by Act approved May 4, 1901.)

(§ 676.) Sec. 19. All stolen or other property seized officially by the members of the police force shall be deposited with the property clerk and kept in a place to be designated by said commissioner of police; and in case of neglect or refusal of any officer to so deposit the property taken or found in the possession of any person or persons arrested, he shall be guilty of a misdemeanor, and be subject to indictment, on information, and upon conviction be fined a sum not less than the value of the property, nor exceeding three thousand dollars, and be imprisoned not to exceed one year; and the sentence of the court shall vacate the office of the person so convicted. All property or money taken on suspicion of having been feloniously obtained, or of being the proceeds of crime, and for which there is no other claimant than the person for whom it was taken, and all lost property coming into the possession of any member of said police force, and all property and money taken from pawnbrokers, as the proceeds of crime, or by any such member from any insane or intoxicated person, or persons otherwise incapable of taking care of himself, shall be registered by the property clerk, in a book kept for that purpose, together with the name of the owner, if ascertained, and the name of the place where found, and of the person from whom taken, with the general circumstances and the date of its receipt, the name of the officer recording same, and shall be advertised; if the owner's name is not ascertained, in such a manner as the rules and regulations of the department shall prescribe. An inventory of the money or other property shall be given to the person from whom the same is taken; and in case the same shall not, within ten days of such arrest and seizure, be claimed by any other person or persons, it shall be delivered to the person from whom it was taken, and to no other person, except by order of the commissioner. In case

Stolen money to be deposited with property clerk.

Care of property and money.

Inventory.

said money or other property shall, within said ten days, be claimed by any other person than the one from whom it shall be seized, it shall be retained by the property clerk until after the discharge or conviction of the person from whom the same was taken; and if the claimant or claimants shall establish to the satisfaction of the court before which the person from whom such money or property is taken that he or they are the rightful owners of the same, the same shall be restored to him or them upon the order of said court; but if the court makes no order, said property shall be returned to the accused personally. All property and money that shall remain in the custody of the property clerk for the period of six months, without any lawful claimant thereto, it (?) shall be put into the "Police Life and Insurance Fund," and the property shall be sold, after being advertised three times in some public newspaper in said city, and the proceeds paid to said fund. The commissioner of police shall cause to be kept general complaint books, in which shall be entered every complaint preferred upon personal knowledge of the circumstance thereof, with the name and residence of the complainant. Said commissioner shall also cause to be kept books for the registry of loss, missing or stolen property for the general convenience of the public and the police force of the city. He shall also cause to be kept books of record, wherein shall be entered the name of every member of the police force, his time and place of nativity, the time and place wherein he became a citizen (if he was born out of the United States), his age, his former occupation, number of his family and the residence thereof, the date of his appointment and dismissal from office, with the cause of the latter; and in every such record sufficient space shall be left against all such entires, wherein to make

Unclaimed property and money, disposition of.

Complaint books.

Register of missing, or stolen property.

Record of members of force.

record of the number of arrests of such members of the police force, or of any special service deemed meritorious by the commissioner of police. Said commissioner shall also cause to be kept in proper books the accounts of the said department, and a record of its proceedings; and he shall preserve and file copies of all bills audited and allowed by him, and keep an accurate account of all of the expenses of the police department. He shall cause to be kept and bound all police returns and reports. Said commissioner shall designate in public orders a time when, on at least two days in each week, for a period of at least three hours on each of said days, he will be at his office in the central station and accessible to all persons who may desire to confer with him or to make complaints touching the conduct of any member of said force; and it shall be his duty to attend at such time and to act upon such complaints within a reasonable time thereafter; and he shall direct the secretary to make proper records of such complaints and of his action thereon. (As amended by Act approved May 4, 1901.)

Account books.

Office hours of commissioner.

(§ 677.) Sec. 20. It shall be the duty of the commissioner of police to provide, at the expense of said city, all necessary accommodations within such precincts as shall be contained within the boundaries of said city, for the station houses required by the department for the accommodation of the police force of such precincts, for the lodging of vagrant and disorderly persons, and for the detention of persons arrested for offenses. It shall also be the duty of said commissioner of police to furnish the same suitably, and to warm and light the same by day and night and provide food for any person or persons detained in any of the said station houses, when such food is deemed necessary for such person or persons by the officers in charge; and in every

Station houses.

Care of persons detained in station houses.

case of arrest the same shall be made known to the captain or sergeant on duty in the precinct wherein such arrest is made, by the person making the same; and it shall be the duty of said captain or sergeant, as soon as practicable after such notice, to make written return thereof, according to the rules and regulations of the department, together with the name of the party arrested, the offense and place of arrest and the place of detention. All persons arrested by the officers or members of the police force shall be detained, while in their custody, only in the places provided for that purpose, and no trial or examination of any person arrested shall be held in the office of the superintendent of police or of the commissioner of police. Necessary and usual articles of clothing or personal apparel upon the person, or in the possession of persons arrested and detained, shall not be taken or seized by the police, unless there be reason to suspect that the clothing has been stolen or obtained unlawfully. The commissioner of police shall provide suitable accommodations in said city for the detention of witnesses who are unable to furnish security for their appearance in criminal proceedings, and such accommodations shall be in places other than those for the confinement of persons charged with crime, fraud, or disorderly conduct; and it shall be the duty of all magistrates, in committing witnesses, to have regard to the rules and regulations of the police department in respect to their detention. Every person arrested by the police, charged with the violation of the city ordinances, shall be entitled to give special bail for his appearance to answer to such charge, but no member of the police force shall become or furnish bail for any person arrested. (As amended by Act approved May 4, 1901.)

Report of arrests.

Necessary clothing, etc., not liable to seizure.

Detention of witnesses.

Bail.

(§ 678.) Sec. 21. The necessary expenses incurred in the execution of criminal process, for offenses charged to have been committed in the city of Detroit, and the maintenance of the police department hereby created within the city of Detroit, shall be a city charge. Expenses of criminal process.

(§ 679.) Sec. 22. It shall be the duty of the commissioner of police to prepare and submit to the city controller, on or before the fifteenth day of February in each year, an estimate of the whole cost and expense of providing for and maintaining the police department of the said city through the next ensuing fiscal year, which estimate shall, so far as practicable, be in detail, and shall be made by the controller before the common council at the annual estimate; such estimate, or so much thereof as the council shall approve, shall be submitted by the common council to the board of estimates of said city, and so much of the total amount thereof as shall be approved by the board of estimates shall be provided for in the general tax assessment by levy to be made on said city, and collected with the other city taxes; said money when collected shall be paid into the city treasury and shall be styled the police fund: *Provided, however*, That the common council shall have power to apply and credit the whole or any portion of the money received from the liquor taxes to the police fund, in lieu of raising that portion of the appropriation by general taxation. The amount of the estimate not approved by the council or board of estimates shall be deducted from the total amount thereof. (As amended by Acts approved March 31, 1897, and May 4, 1901.) Commissioner to submit estimates.

(§ 680.) Sec. 23. All bills, accounts and claims of every character against the police fund shall, after having been duly Bills, accounts and claims, how audited and paid.

audited by the commissioner of police, and certified by him and by the secretary of said department, be transmitted to the controller, who shall submit the same to the common council with his approval or disapproval. When said bills, accounts and claims shall have been allowed by the common council, the controller shall draw his warrant or warrants on the city treasurer in payment therefor: *Provided, however*, That no bill, account or claim against the police fund shall be allowed by the commissioner unless the same shall be accompanied by an affidavit of the person rendering it, that he verily believes that the services or property therein charged have been actually performed or delivered to the city; that the sums charged therefor are reasonable and just, and that to the best of his knowledge and belief no offset exists or payment has been made on account thereof, excepting as are included or referred to in such bill, account or claim. The commissioner of police and secretary of such department shall certify to the controller all pay rolls of the department allowed by said commissioner, and the city controller shall draw his warrant on the city treasurer for the amount thereof, and shall transmit said rolls to said city treasurer, together with such warrant, and the city treasurer shall pay to the several persons named in said roll the amount due to them and named in said roll. (As amended by Acts approved March 31, 1897, and May 4, 1901.)

Pay Rolls.

(§ 681.) Sec. 24. No expenses other than the salaries, or as otherwise provided for herein, shall be incurred by the police department, except for rents, books, stationery, printing, telegraphing, badges, clubs, furniture of necessary rooms, stations and offices, preservation, repairs and cleaning of the buildings and rooms used by said police force, advertising, lights, fuel, board of prisoners and witnesses, and for the arrest, conveyance

Expenses, what may be incurred.

and custody of prisoners and witnesses and preservation of the discipline and good order of the force, together with all the expenses which are actually necessary to perform all the duties and exercise all the powers by this Act enjoined upon said police department and granted to it, unless the same shall be expressly authorized and provision made therefor as a city charge by the common council of said city. The books and accounts kept by said commissioner of police shall at all times be subject to the inspection of the mayor and controller, or either of them; and the common council may at any time acquire information respecting the same, the disclosure of which shall not impair the usefulness or efficiency of the force. (As amended by Act approved May 4, 1901.)

Books and accounts subject to inspection of mayor and controller.

(§ 682.) Sec. 25. The Commissioner of Police shall, when consistent with the requirements of this Act, furnish all information desired and comply with all requests made by the Common Council of said city, or by the mayor thereof, to quell riots, suppress insurrections, protect the property and preserve the public tranquility. The secretary shall have power to issue subpoenas when directed by the Commissioner and attested in his name, to compel the attendance before said Commissioner of witnesses upon any proceeding authorized by the general rules and regulations, or upon the hearing of complaints. The Commissioner of Police, the Superintendent and the Secretary are hereby given power to administer, take, receive and subscribe all affirmations and oaths to any witnesses summoned and appearing in any matter, proceeding, or hearing as aforesaid, or to any depositions necessary under the general rules or regulations of the department. Any wilful and corrupt false swearing by any witness or any person making deposition before any of the officers last men-

Duties of commissioner.

Secretary may issue subpoenas for witnesses.

Oaths and affirmations may be taken etc., by commissioner, superintendent and secretary.

False swearing deemed perjury.

tioned, to any material fact in any necessary proceedings under said rules and regulations shall be deemed perjury and punished in the manner now prescribed by law for such offense. The provisions of law now existing in respect to the attachment of witnesses before justices of the peace and for the compulsory attendance of said witnesses for the purpose of testifying before them are hereby applied to the case of witnesses subpoenaed before the Commissioner of Police. (As amended by Act approved May 4, 1901.)

Penalty for.

Attachment of witnesses.

Security of certain officers

(§ 683.) Sec. 26. The Commissioner of Police shall require and make suitable provisions concerning security to be entered into by the Superintendent, Deputy Superintendent, the Captains of Police, and the Property Clerk, and he may in his discretion require security from any member of the force conditioned for the performance of any duty involving the care and disposition of any money or property. Said Commissioner may require each member of the force to take the constitutional oath of office, and the registry of the certificate thereof in a book to be kept for the purpose, which oath may be taken before said Commissioner or Superintendent, or Secretary, who is hereby empowered to administer the same. (As amended by Act approved May 4, 1901.)

Constitutional oath of office.

Quarterly reports of superintendent.

(§ 684.) Sec. 27. The Superintendent of Police shall make to the Commissioner of Police quarterly reports in writing of the state of the police force, with such statistics and suggestions as he may deem advisable for the enforcement of the police government and discipline. The Commissioner of Police shall, on or before the first Monday in April of each year, report in writing the condition of the force within the said city to the Common Council. (As amended by Act approved May 4, 1901.)

Annual report of commissioner.

Police exemptions

(§685.) Sec. 28. No person holding office under this act shall be liable to jury duty, or to arrest on civil process while actually on duty.

Personal violence on elector at election polls, etc.

(§ 686.) Sec. 29. It shall be a misdemeanor punishable by imprisonment in the county jail not more than two years, for any person, without justifiable or excusable cause, to use personal violence upon any elector in said city of Detroit, while attending the polls on any election day, or upon any member of the police force thereof when in the discharge of his duty; or for any person, not a member of the police force, to falsely represent himself as being such member, with a fraudulent design.

Removal of commissioner.

(§ 687.) Sec. 30. The Commissioner of Police may at any time be removed by the Governor under the provisions of statutes relating to the removal from office of sheriffs, which provisions are hereby extended so as to relate to said Commissioner; and in all cases where charges are made against the Commissioner, he shall have an opportunity to present evidence in his behalf and be heard in person or by counsel. (As amended by Act approved May 4, 1901.)

Commissioner or members of force not to hold elective office.

(§ 688.) Sec. 31. If said Commissioner or any member of the police force, during his term of office, accept or hold any office elective by the people, or any other appointive office, or shall, during his term of office, be publicly nominated for any office, elective by the people, and shall not, within ten days succeeding the same, publicly decline the said nomination or appointment, he shall, in either case, be deemed thereby to have resigned his commission, and to have vacated his office. (As amended by Act approved May 4, 1901.)

Must decline nomination, or be deemed to have resigned.

Common Council to raise by tax funds for support of police department.

(§ 689.) Sec. 32. The Common Council of Detroit are hereby empowered and directed annually to order and cause to be collected and raised by tax upon the estates, real and personal, subject to taxation according to law, within the said City of Detroit, the sums of money as aforesaid annually estimated for the said total expense of the metropolitan police, authorized by this act.

Duties of superintendent and others

(§ 690.) Sec. 33. The Superintendent, Deputy Superintendent, and all members of said force, shall be subject to the control and direction of the Commissioner, and shall perform such duties and have charge of such details as the Commissioner shall prescribe. In the absence of the Superintendent, the Deputy Superintendent shall have and exercise all the powers conferred by this Act on the Superintendent, and shall be subject to removal in the same manner as the Superintendent. The Commissioner of Police shall perform the duties required by the President of the Board of Police Commissioners to be performed in an act providing for pensioning the widows and orphans of the members of the police force of the City of Detroit, approved June twenty-third, A. D. eighteen hundred ninety-one. The Commissioner of Police shall be a member of the Board of Estimates of said city. The said Commissioner shall have the power, under this act, to change the titles of the several officers appointed by him, and to designate thereby such titles as he shall see fit. (As amended by Act approved May 4, 1901.)

Commissioner to be member of board of estimates.

Policemen forbidden to enter saloons, etc.

(§ 691.) Sec. 34. No policeman or officer of police shall, while on duty, be at liberty to enter any drinking or gaming saloon, or other place where liquors are sold to be drunk on the premises, or house of prostitution, except for the purpose of discharging some of the duties of his office.

(§ 692.) Sec. 35. The members of the metropolitan police force shall have the exclusive power, and it shall be their duty, to serve all process within the City of Detroit, issuing from the recorder's court, police court, and from justices of the peace in criminal cases, within said city, whether directed to constables, the sheriff or otherwise, and shall be detailed by the proper officers to attend, instead of deputy sheriffs or constables, all courts of criminal jurisdiction of said city; all the duties now performed by deputy sheriffs in serving writs, executing orders of said court, attending said court, conveying prisoners to and from the county jail for arraignment or trial before said court, and in conveying prisoners to the Detroit house of correction, the reform school, county jail, state prison or other place of punishment or imprisonment, under the judgment, sentence, order or process of said court; shall be performed by the members of said police force; and in no case shall deputy sheriffs, or any constable of said city, receive or be paid, by the county or state, any fee or compensation for services directed in this section, or in any part of this act, to be performed by the members of said force. The actual expenses of travel and of performing duties under this section shall be paid by the County of Wayne, upon bills allowed by said board of police, and indorsed by the president and secretary thereof.

Police to serve all criminal process and attend criminal Courts, etc.

Shall perform duties of deputy sheriffs

(§ 693..) Sec. 36. The offices of city marshal and assistant marshal of the City of Detroit are hereby abolished, and the duties of said offices shall hereafter be performed by the superintendent of police, or by the captain and sergeants of police under his directions, in accordance with the provisions of this act, but this section shall not be operative until the superintendent of

Offices of City Marshal and assistant aboiished.

police, or captains of police, authorized by this act to be appointed, shall be sworn into office.

Bail of persons committed to House of Correction.

(§ 694.) Sec. 37. No person committed to the house of correction for want of bail shall be discharged therefrom, on bail, until the order of discharge, by the magistrate or court who committed said person, or by the judge of some circuit court, or the recorder of said city (all of whom are authorized to approve of and take such bail), together with the original recognizance approved by such magistrate, court, judge or recorder, shall have first been delivered to the superintendent of the house of correction; and said superintendent is hereby directed in every case to transmit said recognizance to the superintendent of police, who shall, whenever the said recognizance is forfeited by the principal therein named, deliver the same to the attorney of the board of police for prosecution; and said attorney shall forthwith proceed to collect the same by applying to the recorder's court of said city for an order upon the sureties in said bond to show cause why said recognizance shall not be forfeited and judgment entered for the amount of penalty therein mentioned against them, on a day in said order set forth. Said order shall be served personally upon said sureties, if they can be found in said city, and if they cannot be found, by leaving a copy at their last place of abode, at least four days before the day therein set forth, and shall be granted only upon the filing with said court of an affidavit or affidavits, showing to the satisfaction of said court that the principal named in said recognizance has, during the time for which recognizance is conditioned for his or her good behavior, been found guilty by a competent court of being a disorderly person, of any crime or misdemeanor, or that he or she has been and is a disorderly person, at any time within the life of said recognizance,

Prosecution of forfeited bail.

Order to be served personally on sureties.

and since his or her discharge from said house of correction. And the said sureties, or either of them, upon the service on them, or either or them, of said order and affidavit, or affidavits, shall come into court upon the day in said order named, and show cause by affidavit or otherwise, as the court may direct, why judgment shall not be entered against them, or either of them, on said recognizance; and if they, or either of them, after service of said order, fail to appear, or do not show sufficient cause, said court shall enter judgment against both, all or either of them, upon their said recognizance, and shall issue execution thereon, and collect the same in the same manner as in cases of judgment on forfeited recognizances in said court. All moneys collected on such executions shall be paid by the officer collecting the same, or by the person or persons against whom the judgment was rendered, to the clerk of said court, who shall, within three days after receiving the same, pay it to the officer empowered by law to receive it.

Sureties shall appear in court.

Money to be paid to clerk of court.

(§ 695.) Sec. 38. Sections one, two, three, four, five, six, seven, eight and nine, of chapter thirteen, of an act entitled "An act to revise the charter of the City of Detroit," approved February fifth, one thousand eight hundred and fifty-seven, which chapter was added by "An act to amend an act entitled an act to revise the charter of the City of Detroit, approved February fifth, one thousand eight hundred and fifty-seven," and approved March twelfth, one thousand eight hundred and sixty-one; also sections one, two and three of an act entitled "An act to amend an act entitled an act to revise the charter of the City of Detroit, approved February fifth, one thousand eight hundred and fifty-seven," and approved February fourth, one thousand eight hun-

Certain sections of City Charter repealed.

dred and sixty-four, and all acts and parts of acts inconsistent with the provisions of this act are hereby repealed; such repeal, however, to take effect and become operative only when the board of police appointed by this act shall be duly organized, and a police force shall be appointed by said board and sworn into office. The president of the board of metropolitan police shall notify the city marshal and assistant marshal in writing, and publish a notice in two daily papers published in Detroit, stating the fact and time of the organization of the said police force, for the purpose of fixing the time when sections thirty-five and thirty-six, and this section, shall become operative.

Board to give notice of organization.

Disorderly conduct defined.

(§ 696.) Sec. 39. Any person who has no trade or occupation at which he actually labors, and has no visible means of support, who frequents places for the retailing of spirituous liquors, and any person who frequents houses of ill-fame, or places where gaming for money is carried on, and any person in whose possession burglars' tools shall be found, for the possession of which he or she cannot account satisfactorily, and any person who, having been convicted and imprisoned for any offense, neglects for the period of ten days to engage in some lawful business or occupation, shall be deemed a disorderly person, and shall be complained against, examined and dealt with as is provided by the statutes of this state for disorderly persons. And it shall be the duty of the members of the police force to seize all burglars' tools, wherever found, and if the owner thereof can be discovered, to complain of him under this section, and if he is found guilty under such complaint, the superintendent or some captain of police shall destroy or mutilate such tools, so that they cannot be used for burglarious purposes again, and if the said owner is not convicted, said tools shall be returned to him. If the owner of said

Proceedings in regard to burglars' tools.

tools shall not be found within ten days after they are seized, the superintendent or some other member of the said force shall take the same to the police justice, and make oath before him of the time when and place where said tools were found; and if the said police justice shall find that said tools are burglars' tools, he shall order the same to be destroyed by the superintendent or some captain of the police; and if the said police justice, upon the examination of any person upon complaint under this section, shall decide that any of the tools are not burglarious, such tools shall be returned to the owner, or if upon tools being brought before him, the owner of which cannot be discovered, he shall decide that all or part of them are not burglarious, then such as he decides are not burglarious shall be left and disposed of in the same manner as is provided for property found by the police.

Cases brought before police justice not cognizable by him.

(§ 697.) Sec. 40. Whenever the police justice of said city shall find, upon examination before him, that an offense not cognizable by him has been committed, and that there is probable cause to believe the person charged is guilty thereof, if the offense is bailable, said justice shall bind the said person with sufficient sureties to appear before the recorder's court; and in default of said person entering into a recognizance for his appearance at said court, as ordered by said justice, said justice shall commit him or her to the county jail for trial; and the person so committed may, during the time he or she is confined in said jail awaiting trial, appear before said justice and give bail for his or her appearance at the recorder's court, and no other court, magistrate or officer shall, under any circumstances, admit said person to bail except judges of the supreme and circuit courts, or the recorder of said city. If said person is brought by writ of *habeas corpus* before a circuit court commissioner, said commissioner, upon re-

May bind accused to appear in recorder's court.

Bail sureties.

turn being made to him on said writ, that said person is imprisoned by virtue of being committed for trial by said police justice, shall not admit said person to bail nor proceed to further hear the case under the writ, except to receive evidence sustaining or denying the truth of the return. In no case shall said police justice, or any judge, court, magistrate, or officer authorized to take bail for the appearance of any person charged with crime in said city receive as surety for said person any person who is a party to a recognizance for the appearance of a person charged with crime, and which recognizance has been forfeited and is unpaid, or upon which recognizance judgment has been rendered but is unpaid and unsatisfied. Every judge, court, magistrate and officer, and said police justice shall, before receiving and accepting any person as surety under this section, require said person to swear that he is not a party to any forfeited and unpaid recognizance, nor a party to any unsatisfied judgment upon any recognizance for the appearance of any person charged with or convicted of crime or misdemeanor.

A party to any unpaid recognizance shall not be a surety.

(§ 698.) Sec. 41. In all cases of trial or examination of any defendant before the police court of the City of Detroit, if any adjournment of any such trial or examination shall be had, and in all cases of the postponement of the examination of any party under arrest before said court, it shall not be competent for any other officer than the police justice, or the person acting as such, to take bail for the appearance of the accused at the said adjourned day.

Bail for appearance on adjourned day.

PENSIONS TO POLICEMEN AND WIDOWS AND ORPHANS OF POLICEMEN.

An Act to provide for the pensioning of the widows and orphans of members of the metropolitan police force of the city of De-

troit, killed or dying from the effects of injuries received while in the performance of their duty, and also to provide for a pension for members of the metropolitan police force of the City of Detroit who are injured or totally or partially disabled from injuries received while in the performance of their duty, and provide for a fund for and manner of payment of such pension.

In case of death from injury widow to receive pension.

(§ 699.) Section 1. *The people of the State of Michigan enact*, That whenever a member of the metropolitan police force of the City of Detroit shall be killed or shall die from the effects of injuries received while in the performance of his duty, leaving a widow, but no children, his widow shall be paid a pension of twenty-five dollars per month. Should such police officer leave children, said widow shall be entitled to an additional sum of five dollars per month for each child so left by the death of such police officer; such pension of twenty-five dollars per month shall continue during the life of said widow providing she does not remarry, upon which contingency said pension of twenty-five dollars per month shall cease to be paid. And said five dollars per month shall thereafter be paid to the legal guardian of the surviving children of said officer. The pension provided for in this act for the children of such deceased officer shall cease upon the death of such child or upon its attaining its sixteenth year.

Children of policemen to receive pension, when.

(§ 700.) Sec. 2. Should such deceased police officer leave no widow, but shall leave children surviving him, a pension of eight dollars per month for each child shall be paid to the guardian of such child or children, to be used in providing for the proper care, education and maintenance of such child. Said sum of eight dollars per month shall cease upon the death of such child or upon its attaining its sixteenth year.

Total disability.

(§ 701.) Sec. 3. Any member of the metropolitan police force of the City of Detroit who shall become totally disabled from injuries received while in the performance of his duties shall be paid a pension of fifty dollars per month during his life or while such total disability shall exist. Total disability shall means total inability to perform manual labor, total loss of eyesight, loss of speech, and loss of right arm or both legs.

Injuries.

(§ 702.) Sec. 4. Any member of the metropolitan police force of the City of Detroit who shall from the effects of injuries sustained while in the performance of his duties lose his left arm, hearing, one eye, nose, one leg, loss of fingers on either hand, or of any other member of the body, which comes within the common law definition of mayhem, he shall be entitled to such pension, not exceeding fifty dollars per month, as the committee provided for in section seven of this act shall determine to be just: *Provided*, That the determination of said committee shall in all things be final.

Pensions, how paid.

(§ 703.) Sec. 5. The pension provided for in this act shall be paid by a warrant drawn and signed by the city clerk of the City of Detroit, and countersigned by the controller of the City of Detroit upon the treasurer of said city, and shall be paid out of the general fund of said city, until the pension fund herein provided for shall have been raised, and thereafter from such pension fund.

Controller shall furnish estimates.

(§ 704.) Sec. 6. The city controller shall include in his annual estimates a sufficient sum to pay all pensions provided for in this act, when the same shall become necessary to constitute a police pension fund, which estimate shall be allowed by the proper estimating bodies and raised by direct taxation.

Persons entitled to pension shall petition common council.

(§ 705.) Sec. 7. Whenever any person shall be entitled to a pension under the provisions of this act, they shall present a petition to the Common Council of said city, praying that they may be allowed the same; upon such petition being presented to the Common Council the president shall immediately appoint two members of said Common Council to act upon a committee, of which committee the mayor of said city, its controller and the president of said council, together with the president of the board of police commissioners, shall be members, the mayor being chairman. Said committee shall consider such petition, and if said committee shall determine that the applicant is entitled to a pension under the provisions of this act, they shall report such determination back to said Common Council at its next regular meeting; which body shall order the name of said applicant placed upon a pension roll to be provided by the city clerk, and thereafter such applicant shall be entitled to draw such pension as hereinbefore provided: *Provided, however,* That the city clerk may provide a day in each month for the payment of such pensions, notification of which day shall be sent to each person entitled to such pensions, and such day when fixed shall not be changed during the official term of said clerk: *Provided, further,* That should said committee of the Common Council determine that the applicant is not entitled to a pension, they shall report the same as above provided, and such decision shall for all purposes be final.

Proviso.

Pensions to be paid from date of injury or death.

(§ 706.) Sec. 8. In all cases the pensions provided for in this act shall be paid from the date of the death of such officer, or from the date when injury, resulting in partial or total disability, was received. The provisions of this act are hereby made applicable to the widows and children of George Kimball, Alonzo Bul-

lard, Albert T. Thayer and Edward Schumacker. This act is ordered to take immediate effect. (Approved June 23, A. D. 1891.)

DISABLED AND INCAPACITATED POLICEMEN.

An Act to provide for placing on the retired list, on reduced pay, members of the metropolitan police force of the City of Detroit who shall have become disabled and incapacitated while in the active performance of official duty, and members of said force and persons in the employ of the police board of said City of Detroit, who after twenty-five years' faithful service shall have become permanently incapacitated from performing regular active duty. (Title as amended by Act approved May 24, 1895.)

To place police officers on retired list.

(§ 707.) Sec. 1. Whenever a member of the metropolitan police force of the City of Detroit shall have become disabled or incapacitated while in the active performance of official duty, and whenever any member of said force, who has performed faithful service as such member for a period of not less than twenty-five years, shall have become permanently incapacitated from performing such regular active duty, he may be retired by the commissioner of police from regular active service, and placed upon the retired list, and when so retired shall be paid annually four hundred and eighty dollars in equal monthly payments of forty dollars, if the surgeon of said force or some other competent physician, authorized by said commissioner of police and acting in the premises, shall certify to said commissioner in writing that such officer is permanently, physically or mentally incapacitated from regular active duty, which finding shall be approved by said commissioner, and duly recorded: *Provided*, That no member of said force shall be so retired until he has been duly notified by

Eligibility.

Member must be notified before retired.

said commissioner of his intention to so retire him, and he has had opportunity of being heard in opposition thereto: *And provided further*, That any member of said force deeming himself entitled to the benefits of this act may make a written application to said commissioner for such benefits, and it shall be the duty of said commissioner to hear and determine such application. (As amended by Acts approved May 24, 1895, and June 6, 1901.)

Officers on the retired list.

(§ 708.) Sec. 2. Officers on the retired list shall be subject to the orders and discipline of the board of police commissioners, and shall perform such duties as may be required of them, and shall be subject to dismissal and to punishment in the same manner as officers in regular, active service.

Board of commissioners may require retired officers to be examined by surgeon.

(§ 709.) Sec. 3. Said board of police commissioners may at any time require officers on the retired list to be re-examined by the surgeon of said force, or some other competent physician authorized by said board to act in the premises, and if on such re-examination they are reported capable of performing regular duty, they may be required by said board to return to regular duty on full pay.

Nothing in this act to be construed to special policemen.

(§ 710.) Sec. 4. Nothing in this act shall be construed to apply to special policemen nor to patrolmen appointed at the request and expense of private parties, nor shall any person in the actual receipt of a pension for injuries received as a member of said police force draw any pay under the provisions of this act.

Rewards, etc how to be disposed of

(§ 711.) Sec. 5. All rewards and proceeds of gifts and emoluments that may be allowed by the commissioner of police to be given or paid on account of extraordinary services of members of the police force, all unclaimed money, proceeds arising from the

sale of unclaimed property, all fines imposed by the commissioner of police upon members of the force for violation of rules, and the money now in the Police Life and Health Insurance Fund, which is hereby transferred, and one per cent of the salaries of all members of the metropolitan police force shall be paid into the Detroit city treasury, and used for the payment of salaries provided for in this act. Any additional moneys needed for the payment of persons on the retired list shall be estimated for, and raised by taxation, in the same manner as the other expenses of maintaining the police force of the City of Detroit: *Provided*, That said one per cent of the salaries of all members of said police force shall be deducted from such salaries from and after the first day of July, A. D. nineteen hundred one, but no part of such sums shall be used or paid for the purpose of this act until the beginning of the fiscal year, commencing July first, A. D. nineteen hundred two. (As amended by Act approved June 6, 1901.)

Police insurance fund.

CHAPTER XXIII.

HOUSE OF CORRECTION.

An Act to establish the Detroit house of correction and authorize the confinement of convicted persons therein. (Approved March 15th, 1861. Laws of 1861, p. 262.)

(§ 712.) Section 1. *The people of the State of Michigan enact*, That the building erected for that purpose by the City of Detroit shall be known and recognized as the "Detroit house of correction," and shall be used for the confinement, punishment and reformation of criminals, or persons sentenced thereto, under the provisions of this act, or any law of this state authorizing the confinement of convicted persons in the said house of correction.

Name of Institution.

How to be used.

(§ 713.) Sec. 2. The management and direction of the said house of correction, subject to periodical inspection by the state authorities in their discretion, shall be under the control and authority of a board of inspectors, to be appointed for that purpose by the Common Council of the City of Detroit, upon the nomination of the mayor. Said board of inspectors shall consist of four members. The first four shall be appointed as follows: One member for one year, one for two years, one for three years, and one for four years. And annually thereafter one member shall be appointed for the full term of four years. And the official terms

Four inspectors.

To be nominated by the mayor.

Term of.

of the members of said board shall commence on the first day of July. Vacancies shall be filled in the same manner as the original appointments are made. (As amended June 2, 1881.)

Vacancies.

Board may adopt rules, appoint superintendent, officers, guards, etc.

(§ 714.) Sec. 3. The board of inspectors of the Detroit house of correction, as provided for in act number two hundred and seven of the public acts of eighteen hundred and eighty-one, are hereby authorized and empowered to establish and adopt rules for the regulation and discipline in said house of correction, and to appoint a superintendent thereof, whose term of office shall be three years, the salary to be fixed by said board and not to exceed four thousand dollars, and the appointment to be made at least three months before the expiration of the term then pending, and to fix the compensation of the subordinate officers, guards and employees, who shall be appointed by the superintendent, and prescribe their duties not otherwise prescribed by law, and to make all rules and regulations in relation to the management and government thereof as they shall deem expedient. But no appropriation of moneys shall be made by said board of inspectors for any other purpose than the necessary expenses, and for the repairs of said institution from damages which may occur to the property known as the Detroit house of correction, and from ordinary wear and usage of the same, without the sanction of the Common Council, by a vote of the majority of the aldermen elect in said city, at some regular meeting subsequent to the meeting in which such appropriation shall have been presented to said Common Council. All acts and parts of acts contravening the provisions of this act are hereby repealed. (As amended by Act approved June 24, 1891.)

Salary of Superintendent.

Moneys not to be appropriated excepting for necessary expenses without consent of common council.

Meetings of board.

(§ 715.) Sec. 4. Said inspectors shall serve without fee or compensation. There shall be a meeting of the entire board at the

house of correction once in each year, at such time as shall be fixed by said board. One or more of said appointed inspectors shall visit the said house of correction once at least in each month. There shall be a meeting of said appointed inspectors at said house of correction once in every three months, when they shall fully examine into its management in every department, hear and determine all complaints or questions not within the province of the superintendent, to determine and make such further rules and regulations for the good government of said house of correction as to them shall seem proper and necessary. All rules, regulations or other orders of said board shall be recorded in a book to be kept for that purpose, which shall be deemed a public record, and with the other books and records of said house of correction shall be at all times subject to the examination of any member or committee of the Common Council, the controller, treasurer or attorney of said city, or any officer or person duly authorized by any court of record in this state to make such examination.

Meetings at House of Correction, when; to examine into management; to hear complaints.

Records of.

Open to inspection.

(§ 716.) Sec. 5. The books of said house of correction shall be so kept as to clearly exhibit the state of the prisoners, the number received and discharged, and the receipts from and expenditures for and on account of each department of business, or for repair, or improvement of the premises. A quarterly statement shall be made out, which shall specify minutely all receipts and expenditures, proper vouchers for each expenditure shall accompany each statement and the same be approved by the inspectors and the Common Council of the City of Detroit, and returned to the controller of said city for safe keeping. The accounts of said house of correction shall be annually closed and balanced on the 31st day of December of each year, and the annual report submit-

Records, how kept.

Quarterly statement

Accounts, when to be closed.

Annual reports when made and to whom to be sent.

ted as soon thereafter as practicable, the first report to be made in (1882) eighteen hundred and eighty-two, giving a full account of the operations of the preceding year, and the same submitted to the board of inspectors, and with their report to the Common Council, a copy of which shall be transmitted to each department of the state government, and to each county in the state having contracts with said city for the confinement and maintenance of convicted persons. And such report shall be published in some newspaper in the city or in such other form as shall be directed by said board of inspectors. (As amended April 10, 1883.)

To be published.

Repealing clause.

(§ 717.) Sec. 6. All provisions of law relative to the appointment or term of office of all officers of said house of correction not contained herein are hereby repealed. (As amended June 5, 1881.)

Superintendent, his powers and duties.

(§ 718.) Sec. 7. The superintendent of the said house of correction shall have entire control and management of all its concerns, subject to the authority established by law and the rules and regulations adopted for its government; it shall be his duty to obey and carry out all written orders and instructions of the inspectors not inconsistent with the laws, rules and regulations relating to the government of said institution. He shall be responsible for the manner in which said house of correction is managed and conducted. He shall reside at said house of correction, devote his time and attention to the business thereof, and visit and examine into the condition and management of every department thereof and of each prisoner therein confined, daily, or as often as good order or necessity may require. He shall exercise a general supervision and direction in regard to the discipline, police and business of said house of correction. The

Residence of.

deputy superintendent of said house of correction shall have and exercise the powers of the superintendent, in his absence, so far as relates to the discipline thereof and the safe keeping of prisoners. Deputy Superintendent, his powers and duties.

(§ 719.) Sec. 8. The board of supervisors of any organized county in the state shall have full power and authority to enter into an agreement with the Common Council of the City of Detroit, or with any authorized agent or officer in behalf of said city, to receive and keep in the Detroit house of correction any person or persons who may be sentenced to confinement by any court or magistrate in any of said counties, for any term not less than sixty days. Whenever such agreement shall have been made, it shall be the duty of the board of supervisors for any county in behalf of which such agreement shall have been made, to give public notice thereof in some newspaper published within said county, and in case no newspaper is published in said county, then such notice shall be published in some newspaper within the judicial district to which said county is attached, for a period not less than four weeks, and such notice shall state the period of time for which such agreement will remain in force. Counties may contract for keeping of criminals. Notice of contract, how given.

(§ 720.) Sec. 9. In every county having such agreement with the said city of Detroit, it shall be the duty of every court, police justice, justice of the peace, or other magistrate, by whom any person, for any crime or misdemeanor not punishable by imprisonment in the state prison, may be sentenced for any term not less than sixty days, to sentence such person to the Detroit House of Correction, there to be received, kept and employed, in the manner prescribed by law, and the rules and discipline of the said House of Correction; and it shall be the duty of any such court, police justice, justice of the peace, or other magistrate, by Duty of courts and justices in counties making contract.

a warrant of commitment duly issued by the court, justice or magistrate declaring such sentence, to cause such person so sentenced to be forthwith conveyed by some proper officer to said House of Correction.

Duty of sheriffs and constables in counties making contract.

(§ 721.) Sec. 10. It shall be the duty of the sheriff, constable or other officer in and for any county having such agreement with said city of Detroit, to whom any warrant or commitment for that purpose may be directed by any court or magistrate in such county, to convey such person so sentenced to the Detroit House of Correction, and there deliver such person to the keeper or other proper officer of said House of Correction, whose duty it shall be to receive such person so sentenced, and to safely keep and employ such person for the term mentioned in the warrant or commitment, according to the laws of said House of Correction; and the officer thus conveying and so delivering the person or persons so sentenced, shall be allowed such fees or compensation therefor as shall be prescribed or allowed by the board of superivisors for the county in which such person shall have been convicted.

Fees of officer

State Prison inspectors may contract for confinement of criminals.

(§ 722.) Sec. 11. The inspectors of the state prison may contract with the said city of Detroit, or any duly authorized agent or officer in behalf of said city, for the confinement and maintenance in the Detroit House of Correction of persons convicted of any offense punishable by imprisonment in the state prison. *Provided*, That the compensation to be paid for such confinement and maintenance shall not exceed the sum of one dollar per week; and upon the completion and execution of any such contract, the inspectors of the state prison and of the said House of Correction shall give public notice thereof, in some weekly

Compensation.

Notice of contract; how given.

newspaper, in each county in which a weekly newspaper is published, after which any male person, under the age of twenty-one years and above the age of sixteen years, who shall be convicted of any offense (murder and treason excepted), punishable by imprisonment in the state prison, may, in the discretion of the court before whom such conviction shall be had, be sentenced to imprisonment in the Detroit House of Correction; and every male between the ages of sixteen and twenty-two years, who shall, for the first time, be so convicted, shall be sentenced to said Detroit House of Correction. And every female, who shall be so convicted, shall be sentenced to said House of Correction. And every person so sentenced shall be received into the said House of Correction, and shall be kept and employed in the manner prescribed by law, and shall be subject to the rules and discipline of said House of Correction.

Duty of the sheriffs.

(§ 723.) Sec. 12. It shall be the duty of the sheriff of any county within which any person shall be convicted and sentenced, as in the eleventh section of this act provided, to convey such person to the said House of Correction, and deliver him or her to the superintendent thereof, for which such sheriff shall be paid the same fees and compensation allowed for conveying persons to the state prison.

Fees of.

Certain males and females under age to be sent to House of Correction.

(§ 724.) Sec. 13. All provisions of law authorizing the commitment and confinement of males under sixteen, and females under fourteen years of age, in jails, workhouses or houses of correction in the city of Detroit, are hereby made applicable to all persons who may or shall be, under the provisions of this act, sentenced to the said Detroit House of Correction.

Expenses of House of Correction; how to be defrayed.

(§ 725.) Sec. 14. The expenses of maintaining the said House of Correction, over and above all receipts for the labor of persons confined therein, and for the support of those whose support shall not be chargeable to the county of Wayne, or be otherwise provided for, shall be audited and paid, from time to time, by the common council of the city of Detroit, and shall be raised, levied and collected as part of the ordinary expenses of said city.

Inspectors to make certificates, where filed and upon whom served.

(§ 726.) Sec. 15. Whenever the said House of Correction shall, in the opinion of the board of inspectors, by this act created and established, or by a majority of them, be so far completed as to insure the safe confinement and employment therein of persons intended to be therein confined, they shall make duplicate certificates thereof under their hands and seals, one of which they shall file in the office of the clerk of Wayne county, and the other shall be served upon the sheriff of said county, and the said sheriff shall thereupon transfer all such persons to the said House of Correction, and the superintendent thereof shall receive such persons and safely keep them for the term for which they are sentenced, and employ them according to the discipline and rules established for the government of said House of Correction.

Agreement with common council for keeping prisoners.

(§ 727.) Sec. 16. The board of auditors for the county of Wayne shall have full power and authority to enter into an agreement with the common council of the city of Detroit, or with any authorized agent or officer in behalf of said city, to receive and keep in the Detroit House of Correction any person or persons who may be sentenced to confinement in said House of Correction by any court or magistrate in said county of Wayne, for the offenses in this section hereinafter mentioned. Whenever such agreement shall have been made, it shall be the duty of the board

Notice of agreement to be published.

of auditors for said county to give public notice, in some newspaper published within said county, for a period of not less than four weeks, and such notice shall state the period of time that such agreement will remain in force. Upon the making of such agreement, it shall be the duty of every court or magistrate in said county of Wayne, authorized by law to sentence or commit any person to the county jail of said county as vagrants, common drunkards, disorderly persons, common prostitutes, or for assault and battery, petit larceny or other offenses punishable by imprisonment in the county jail, or by virtue of any final sentence or conviction, except for contempt, to sentence such person to be confined in the said House of Correction, there to be received, kept and employed according to law, under the rules and regulations of said House of Correction. And it shall be the duty of all officers having the execution of the final process of any court or magistrate sentencing convicted persons to said House of Correction, to cause such convicts to be conveyed forthwith to said House of Correction, and such officer or officers shall be paid therefor the fees allowed by law for conveying persons to the county jail: but this section shall not apply to those juvenile offenders who by law may be sent to the reform school at Lansing. (As amended by Public Act No. 98, Session Laws of 1879.)

Duty of Courts in making sentence.

Officers to convey prisoners to House of Correction.

Fees.

Section not to apply to juvenile offenders.

(§ 728.) Sec. 17. It shall be lawful for any justice of the peace, police justice or other magistrate having jurisdiction thereof, in the county of Wayne (when such agreement shall have been made), or in any other county having an agreement with the authorities of the city of Detroit for the confinement and maintenance of convicted persons in said House of Correction, in all cases of complaints for vagrancy, to commit any person, except such juvenile offenders as are mentioned in the last

When justices to commit to House of Correction.

preceding section, convicted on such complaint before such justice or magistrate, to said House of Correction, for a term not exceeding six months. (As amended by Public Act No. 98, Session Laws of 1879.)

Escape or breaking House of Correction with intent, etc.

(§ 729.) Sec. 18. Every person lawfully committed to said House of Correction, who shall escape from or break said House of Correction with intent to escape therefrom, or who shall attempt by any force or violence, or in any other manner to escape from said House of Correction, whether such escape be effected or not, shall, upon conviction thereof, be punished by confinement in said House of Correction for a term not exceeding double the term for which he or she was so sentenced, to commence from and after the expiration of his or her former sentence.

Penalty.

Transfer of females from the State Prison.

(§ 730.) Sec. 19. Upon the completion and execution of a contract for the confinement and maintenance of persons liable to imprisonment in the state prison in the said House of Correction, as provided in section eleven of this act, it shall be competent and lawful for the inspectors of the state prison to transfer to said House of Correction all females confined in the state prison, and such persons so transferred shall be received into said House of Correction and there confined and employed for the unexpired term of their sentences respectively.

Superintendent to keep record of offenses against discipline.

(§ 731.) Sec. 20. The superintendent of said House of Correction shall cause to be kept a record of each and all infractions of the rules and discipline of said House of Correction, with the names of convict or convicts offending, and the date and character of each offense; and every convict sentenced for one or more years, whose name does not appear upon such record, shall be entitled to deduction of three days per month from his or her

sentence, for each month they shall continue to obey all the rules of the said House of Correction.

Claims for keeping convicted persons, how adjusted

(§ 732.) Sec. 21. The board of auditors of the county of Wayne and the common council of the city of Detroit shall have full power and authority to settle and adjust, on such terms as shall be agreed upon, any and all claims or demands of the city of Detroit against the said county of Wayne for the board and expense of keeping convicted persons in the Detroit House of Correction, committed thereto by any officer or magistrate in said county of Wayne, within or without the limits of said city of Detroit, at any time prior to the time this act shall take effect. (As added by Public Act. No. 98, Session Laws of 1879.)

HOUSE OF CORRECTION—SUPPLEMENTARY ACT.

An Act supplementary to an act entitled "An act to establish the Detroit House of Correction, and authorize the confinement of convicted persons therein." (Approved March 17th, 1867. Laws of 1867, Vol. I., p. 175.)

Females liable to State Prison to be sent to House of Correction.

(§ 732.) Section 1. *The People of the State of Michigan enact*, That hereafter, whenever any female shall, in any court of the state of Michigan, be convicted of any crime or offense, except murder, which would under the existing laws of this state subject her to confinement in the state prison, that the court by or before whom she shall be so convicted, shall sentence her to confinement in the Detroit House of Correction, instead of the state prison, for such term as the said court shall deem just; and it shall be the duty of the superintendent of said House of Correction to receive and securely keep all females so convicted,

Duty of the Superintendent.

sentenced and committed to said House of Correction, until the term of her or their sentence has expired, or until she or they are otherwise duly discharged by law or competent authority.

Commutation of sentence of females to confinement in the Detroit House of Correction.

(§ 734.) Sec. 2. Whenever the sentence of any female now confined, or that shall hereafter be confined, in the state prison, shall be by the governor, or other competent authority, commuted to confinement for any period in the Detroit House of Correction, it shall be the duty of the agent of said state prison to at once transmit such person in proper and safe custody to the superintendent of said House of Correction, whose duty it shall be to receive and safely keep her in said House of Correction until the expiration of her sentence as commuted, or until she is otherwise discharged by due process of law or competent authority.

Inspectors of prison may contract with House of Correction.

And the board of inspectors of the state prison are hereby authorized and empowered to contract with the board of inspectors of said House of Correction for the maintenance at said House of Correction of persons sentenced pursuant to the provisions of this section:

Proviso.

Provided, That the compensation shall not exceed one dollar per week. (As amended by Public Act No. 67, Session Laws of 1879.)

Confinement in House of Correction for not giving bail to State Court.

(§ 735.) Sec. 3. Hereafter, when any person found guilty of disorderly conduct or breach of the peace by any court of said state, in any county, having, with the city of Detroit or its duly authorized agent, an agreement such as is specified and provided for in section eight of said act, to which this is amendatory, shall be sentenced to give bail for good behavior, or upon other condition, it shall be competent for the court by or before which such person is convicted, to sentence her or him to confinement in said House of Correction for the non-giving of or until such

bail is given, and the superintendent of said House of Correction shall receive and safely keep the person so committed until the term of commitment has expired, or until he is served with a certificate signed by a circuit judge of the circuit in which is included the county where such person was convicted, stating that by giving of bail, or otherwise, the terms of the sentence or commitment of such person have been complied with.

Superintendent to receive persons sentenced from United States Court.

(§ 736.) Sec. 4. Whenever any court of the United States (sitting in this state), or any officer thereof, shall order or sentence any person upon conviction to be confined in the Detroit House of Correction for any period of time, or for want of bail, or for any other cause, it shall be the duty of the superintendent to receive such person and him or her safely keep until the terms of such order or sentence are fully complied with, and it shall be the duty of the superintendent safely and securely to keep all such persons as have heretofore been received by him by virtue of any process, order or sentence of any court, of the United States, or any officer thereof, in complaince with such process, order or sentence. (As amended by act approved May 20, 1893.)

Laws applicable to person in House of Correction same as in State Prison

(§ 737.) Sec. 5. All laws now in force, applicable to persons confined in the state prison, shall be and are hereby made applicable to all persons who are, or hereafter shall be confined in said House of Correction, who have been transferred to said house from the state prison, or who shall be sentenced to confinement in said house, on conviction of any offense punishable by confinement in the state prison.

Acts repealed.

(§ 738.) Sec. 6. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

No person sentenced from any other state shall be received.

(§ 739.) Sec. 7. No person shall be confined in the said Detroit House of Correction sentenced from any other state or territory, or by any United States court sitting in any other state or territory than the state of Michigan: *Provided, however*, That this act shall not in any way affect the confinement of any person heretofore sentenced and undergoing imprisoment in said Detroit House of Correction. (As added by act approved May 20, 1893.)

Unlawful to employ free labor except in certain cases.

(§ 740.) Sec. 8. It shall not be lawful for the authorities of the said House of Correction to employ any free labor in or about such institution, except such as may be necessary for the control and management of such House of Correction and the care and detention of the persons confined therein. (As added by act approved May 20, 1893.)

SUPPLEMENTAL ACT.

An Act to provide for the imprisonment and detention of convicted persons in the Detroit House of Correction.

(Act approved April 3, 1869.)

No Circuit Court Commissioner of Wayne County shall grant writ or habeas corpus or certiorari to inquire into cause of detention.

(§ 741.) Section 1. *The People of the State of Michigan enact*, That no circuit court commissioner in the county of Wayne shall grant a writ of *habeas corpus* or *certiorari*, to inquire into the cause of the detention or restraint of the liberty of any person who is imprisoned, detained or restrained of his liberty upon criminal process, whether final or otherwise; and if under a petition which does not disclose that the person in whose behalf the writ is applied for is so imprisoned, detained and restrained, said commissioner grants said writ, he shall remand said person into custody, if return is made to said writ that said person

is so imprisoned, detained or restrained, and shall discontinue all proceedings under said writ. Any order of said commissioner to discharge a prisoner or person charged with or convicted of a crime or misdemeanor, shall be void, and any officer or other person obeying the same shall be guilty of a misdemeanor. Said commissioner shall in no case inquire into the validity of the commitment, or other process by which prisoners convicted or charged with offenses are imprisoned or detained, nor shall said commissioner let any person charged with an offense to bail.

Order of Commissioner to discharge void.

Misdemeanor to obey.

Commissioner shall not inquire into validity of commitment, etc.

(§ 742.) Sec. 2. Any justice of the supreme court, the judge of the circuit court of Wayne county, any circuit judge of the state, and the recorder of the city of Detroit may grant writs of *habeas corpus and certiorari* in criminal cases in the county of Wayne.

Who may grant writ of habeas corpus and certiorari.

(§ 743.) Sec. 3. No person shall be released from custody when the return to a writ of *habeas corpus* alleges that the person in whose behalf said writ was issued is convicted by a court or officer of competent jurisdiction, of a crime or misdemeanor, or is committed to imprisonment to find sureties of the peace, by reason of any defect or informality in the process by which said person is committed by said court or officer; but the court or judge granting the writ shall only inquire into the truth of the return, and determine whether the court, or officer under whose judgment, order or finding said person is so imprisoned, or committed, has acted within the jurisdiction of said court or officer. No person committed to prison for trial shall be discharged by reason of defects in the process committing him. Whenever the process by which a person convicted or committed, and is held in the jail, house of correction or other prison, is defective

When release from custody shall not be made.

Court or judge granting writ shall only inquire into truth of return, etc.

Defect in process.

When process is defective, judge, etc., may remand by writ of mittimus.

in any respect, but has been issued by a court or officer of competent jurisdiction, in the exercise of that jurisdiction, the court or judge granting the writ of *habeas corpus* shall remand the person in whose behalf said writ was issued, by a mittimus under the seal of said court, or the hand and seal of said judge, commanding the proper officer to keep the said person in custody in accordance with the judgment, order or commitment of the court or officer by whose judgment, order or commitment said person is imprisoned, and said mittimus shall be and stand in the place of the process so defective. The provisions of this act shall apply to the county of Wayne only.

Act applies to Wayne County only.

Imprisonment of convicted prostitutes.

(§ 744.) Sec. 4. Every person more than fifteen years of age who is a common prostitute shall, upon conviction thereof, be punished by imprisonment in the Detroit House of Correction for a term of three years. Complaints under this section may, in cities having a police justice, be made to said police justice, who shall hear, try and determine the same. In the townships, villages and cities which have no police justice, said complaints shall be made to a justice of the peace, who shall hear, try and determine the same; but said justice of the peace shall, within thirty days after he has determined the said complaint, if the said person is found guilty, file in the office of the county clerk of his county copies of all the proceedings under the same, and of the testimony, which copies shall, by the said clerk, be forthwith submitted to the circuit judge of said county, who shall, in writing, approve or disapprove of the finding of said justice of the peace, which approval or disapproval shall be filed by said judge in the office of said clerk, and shall be final. If said judge disapproves of said finding, the clerk shall certify the same under the seal of the circuit court, to the superintendent of said

To whom complaints made in cities.

In townships, villages, etc.

Duty of Justice of the Peace.

Duty of County Clerk.

House of Correction, and said superintendent shall, upon the receipt of the certificate, release the person in whose case it is made. It is hereby made the duty of any sheriff, constable or superintendent of police in this state, to serve said certificate upon the requisition of the said clerk, on the superintendent of said house.

Duty of sheriff, etc.

(§ 745.) Sec. 5. The inspectors of the Detroit House of Correction may establish rules and regulations under which women confined in the said house by virtue of the preceding section may, upon reformation, or marked good behavior, be absolutely discharged from imprisonment therein, or be released conditionally from residence in said house before their term of imprisonment has expired, which rules and regulations shall be approved by the circuit judge of the county of Wayne, and the recorder of the city of Detroit: *Provided*, That the persons released conditionally may at any time before the expiration of their term of imprisonment be returned to a residence in said house under and by the written order of the said inspectors, which order shall be authority for any officer of said house, sheriff or policeman to arrest or return said persons.

Powers of Inspectors of Detroit House of Correction to establish rules, etc.

Proviso.

(§ 746.) Sec. 6. It shall be lawful for all courts of record having criminal jurisdiction in the state of Michigan, and all police justices and justices of the peace in said state, in the exercise of their criminal jurisdiction, to sentence female offenders, who are not more than fifteen years of age, to the Detroit House of Correction; there to remain and be kept until they are twenty-one years of age. The age of said offenders shall be ascertained to the satisfaction of the court or officers sentencing said persons, and certified to the superintendent of said

Power of Courts of Record, etc., to sentence female offenders of certain age to Detroit House of Correction.

How age ascertained

house, who shall receive and keep them until they are twenty-one years of age.

Girls under fifteen shall be kept in House of Shelter, etc

(§ 747.) Sec. 7. WHEREAS, There is connected with said House of Correction, as a department thereof, a house of shelter, for the education and reformation of females; therefore, the inspectors of said house shall adopt rules and regulations by which girls under fifteen years of age, sent to said house under this or any other law, shall be kept in said house of shelter, and shall not, except they are refractory and incorrigible in their conduct, be imprisoned in the other department of the said House of Correction, to be subject to the restraints which govern adult prisoners.

Jurisdiction of Courts of Record, Police Courts of Detroit and Justices of the Peace in Wayne County.

(§ 748.) Sec. 8. Courts of record, the police court of the city of Detroit, and justices of the peace in the county of Wayne, in the exercise of their criminal jurisdiction, shall sentence all female offenders who are under fifteen years of age to the said House of Correction, there to remain and be kept until they attain the age of twenty-one years. The age of such offender shall be ascertained and certified as provided in section six of this act.

Girls under fifteen may be discharged

(§ 749.) Sec. 9. Any girl under the age of fifteen years, who is sentenced to the House of Correction until she is twenty-one years of age, may be discharged therefrom at any time during her term of imprisonment, under such rules and regulations as the inspectors of said house may adopt.

Superintendent's report.

(§ 750.) Sec. 10. The superintendent of said house shall, in December of each year, report to the governor—

Contents.

First—The number and age of all persons confined therein;

Second—Their term of imprisonment;

Third—The cause of imprisonment;

Fourth—The number of persons discharged and the reasons why, and all other facts which he may deem necessary to explain the condition and necessities of said house.

(§ 751.) Sec. 11. The following forms of commitment of prisoners sentenced under this or any other law of this state, to the House of Correction, by a police justice or a justice of the peace, shall be sufficient: Forms of commitment.

First—Commitment of a common prostitute; Of common prostitute.

——— County—ss.

To the superintendent or any patrolman of the metropolitan police of the city of Detroit, and the superintendent of the Detroit House of Correction, greeting:

WHEREAS, After trial, upon a complaint duly taken by me ———' of ———; in said county, was convicted of being a common prostitute, and was by me sentenced to be imprisoned in the Detroit House of Correction for three years, from and including this —— day of ——, A. D. 18—. Now, therefore, you, the said ———, superintendent, or any patrolman of said police, are hereby required to convey said ——— to said House of Correction, and deliver her into the custody of the superintendent thereof; and you, the said superintendent of said house, are commanded to receive said ——— into your custody, and her there safely keep until the expiration of said three years, or until she is discharged in accordance with law. Given under my hand, at the city of Detroit, this —— day of ——, A. D. 18—.

Second—Girls under fifteen years of age, the same form as above, except that after the name of the person committed, and before the words: "Who is hereby certified to be of the age of ——— years, and ——— on this day," shall be insert- Girls under fifteen.

ed, and in lieu of the words "three years," before the words: "until she shall attain the age of twenty-one years," shall be inserted, and the words "from and including the day of ————, A. D. 18—," shall be omitted.

Disorderly persons.

Third—The same form of commitment shall, as near as may be, be used in the cases of disorderly persons.

When outside of city, to whom addressed.

Fourth—In cases arising out of the city of Detroit, the said commitment shall be addressed to "the sheriff," or in towns or cities having a police force, to the superintendent or other authorized officer of the force. (Approved April 3, 1869.)

CONFINEMENT OF CERTAIN PRISONERS.

An Act to provide for the confinement of certain prisoners in the Detroit House of Correction.

Females sentenced to County jail may be transfered to House of Correction.

(§ 752.) Section 1. *The People of the State of Michigan enact*, That all female prisoners, who heretofore have been or shall hereafter be sentenced to imprisonment in the common jail of any county for a longer period than ninety days, in those counties where, at the time of such sentence, no contract had been made for the confinement of prisoners from such counties in the Detroit House of Correction, upon the order of the judge of the judicial circuit to which said county is attached, may be immediately conveyed to the Detroit House of Correction to serve out the remainder of their sentences as soon as such a contract shall be made between said counties and said Detroit House of Correction: *Provided*, That the unexpired portion of said sentence is not less than sixty days.

(§ 753.) Sec. 2. Upon being informed of such contract the sheriff of such county may immediately, upon receipt of the cer-

tificate of the judge, as above provided, convey such prisoners to the Detroit House of Correction, and the commitment directed to the sheriff of such county shall be sufficient warrant for the reception and confinement of such prisoners in the Detroit House of Correction.

Sheriff to convey female prisoners to House of Correction, when contract made.

This act is ordered to take immediate effect.

(Approved February 5, 1887.)

CONFINEMENT OF CONVICTED PERSONS.

An Act relative to the confinement of convicted persons in the Detroit House of Correction and the State House of Correction and Reformatory at Ionia.

(§ 754.) Section 1. *The People of the State of Michigan enact*, That any court of criminal jurisdiction in this state shall have power, in the discretion of the court, to sentence any male person, convicted for the first time of any offense (rape, murder and treason excepted) punishable by imprisonment in the state prison, to imprisonment in the state House of Correction and Reformatory at Ionia, or the Detroit House of Correction, instead of the state prison, and every such person so sentenced shall be received into the said House of Correction, and shall be kept and employed therein in the manner prescribed by law, and shall be subject to the rules and discipline of said House of Correction: *Provided*, That no charge against any county nor the state shall be allowed for the maintenance of persons sentenced to said Detroit House of Correction: *And provided, further*, That on the discharge of prisoners at the expiration of their terms of imprisonment in said Detroit House of Correction they shall be returned to their homes in the state, if known, at the expense of the Detroit House of Correction.

Persons for first offense may be sent to House of Correction instead of State Prison.

This act is ordered to take immediate effect.

(Approved April 19, 1887.)

CHAPTER 23 HOUSE OF CORRECTION.

CONFINEMENT OF PERSONS VIOLATING ORDINANCES.

An Act to provide for the confinement of persons who may be found guilty of the violation (of a village) ordinance or ordinances in incorporated villages in the county of Wayne in this state.

For violation of village ordinances persons may be confined in House of Correction.

(§ 755.) Section 1. *The People of the State of Michigan enact*, That any person conviced of the violation of the ordinances of any incorporated village in the county of Wayne in this state, may, by any magistrate of competent jurisdiction of the offense, be sentenced to the House of Correction in the city of Detroit, for a period of not less than thirty nor more than ninety days: *Provided*, The common council or board of trustees of the village shall have made a contract with said House of Correction in the city of Detroit for the care of such prisoners.

Expenses how paid.

(§ 756.) Sec. 2. All expenses in the transportation of such prisoners, and all charges of said House of Correction shall be audited and paid out of the contingent fund of said village, and shall in no case be a charge against the county in which said village is situated.

This act is ordered to take immediate effect.

(Approved June 24, 1887.)

PRISONERS COMMITTED OR SENTENCED BY COURTS OF THE UNITED STATES OR OF THE TERRITORIES THEREOF.

An Act relative to the confinement in this state of prisoners committed or sentenced by the United States or of the territories thereof.

Inspectors may contract with the United States.

(§ 757.) Section 1. *The People of the State of Michigan enact*, That any person convicted of the violation of the ordinances officers having charge of any person or penal institution in this

state to contract with the government of the United States, or its duly authorized officers or agents, for the confinement of such person or penal institution of persons committed or sentenced to confinement or imprisonment by the circuit courts of the United States or district courts of the United States, for this or any other state or the territories of the United States. *Provided*, That the compensation to be paid therefor by the United States shall not be less than one dollar a week for each person: *And provided, further*, That the United States shall at its own expense return such prisoners when discharged from confinement to the state or territory from which they come. (Approved June 20, 1889.)

CONFINEMENT OF DISORDERLY PERSONS.

An Act relative to disorderly persons, and to repeal chapter fifty-three of the Compiled Laws of 1871, as amended by the general acts amendatory thereof.

Authorizing confinement of disorderlies in House of Correction.

(§ 758.) Section 2. Any person complained of as being a disorderly person, and who shall be convicted or shall plead guilty, shall be punished by a fine not exceeding fifty dollars and costs of prosecution, or by imprisonment in the county jail or the Detroit House of Correction not exceeding thirty days, or he may be required to enter into a recognizance with sufficient sureties for his good behavior for the term of three months. Any person, who shall be convicted a second time of being a disorderly person, the offense being charged as a second offense, shall be punished by a fine not exceeding one hundred dollars and costs of prosecution, or by imprisonment in the county jail or the Detroit House of Correction not less than thirty days nor more than three months; and for a third and all subsequent convictions, the

offense being charged as a third or subsequent conviction, the punishment shall be a fine not exceeding one hundred dollars and costs of prosecution, or imprisonment in the county jail or the Detroit House of Correction or the State House of Correction and Reformatory at Ionia not less than six months, nor more than two years: *Provided*, That if any male person shall be convicted of being a disorderly person before any justice of the peace or circuit court in the Upper Peninsula, such person, if sentenced to imprisonment, shall be sent to the State House of Correction and branch of the state prison in the Upper Peninsula, or the county jail, as the justice or court before whom the case is tried shall deem best. (Part of act No. 264, approved July 5, 1889.)

CHAPTER XXIV.

POLICE COURT.

An Act to establish the police court of the city of Detroit. (Approved June 9th, 1885.)

Court established.

(§ 759.) Section 1. *The People of the State of Michigan enact*, That on and after the fourth day of July, A. D. eighteen hundred and eighty-six, there shall be in the city of Detroit a court which shall consist of two police justices, and which shall be known and designated as "The police court of the city of Detroit."

Police Justice to be elected.

(§ 760.) Sec. 2. At the April election in eighteen hundred ninety-five, a police justice shall be elected by the qualified electors of the city of Detroit to hold office for five years from the fouth day of July, eighteen hundred ninety-six, and at the April election in eighteen hundred ninety-seven, a police justice shall be elected by the qualified electors of the city of Detroit to hold office for five years from the fourth of July, eighteen hundred ninety-eight, so that thereafter a police justice shall be elected at each biennial April election to hold office for four years from the fourth day of July succeeding his election. In case of a vacancy in the office of police justice, the common council of the city of Detroit shall, as soon as practicable, order a special election to fill such vacancy, in like manner as at the time is provided by law in case of a vacancy in the office of mayor of said city; but no

special election for police justice shall be held within three months next preceding the time herein appointed for the regular election of a police justice, unless there be more than one vacancy, in which case the common council may in its discretion order such special election to be held within the said three months. The provisions of law relative to holding elections for city officers in said city, canvassing the votes and making returns thereof, and the disposition of and actions upon such returns shall, so far as applicable, regulate and apply to all elections for said police justices. Whenever an election held under the provisions of this act shall, from any cause, occur on the same day with an election held under the charter of the city of Detroit for mayor, city clerk, city attorney, treasurer and councilmen, or for any one or more of said city officers, the names of the persons voted for for police justice shall be placed on the same ticket or ballot with the names of those voted for for the city officers aforesaid. (As amended by Act approved March 5, 1895.)

Clerk of Court.

(§ 761.) Sec. 3. There shall be a clerk of said police court, and also such assistant clerks as the common council of said city may at any time after the passage of this act by ordinance prescribe, but no amendment or repeal of such ordinance shall have the effect to remove any assistant clerk from office during the term for which he is appointed. The clerk and assistant clerks of the police court shall be appointed by the police justice whose term of office shall first expire, as soon as practicable after the fourth day of July, A. D. eighteen hundred and eighty-six, and after the fourth day of July in every second year thereafter, and they shall hold office for a term of two years, commencing on the first day of August in the year in which they are appointed, and until their successors are appointed and qualified:

Assistants.

Term of.

Provided, however, That the persons appointed chief and assistant clerks in the year eighteen hundred and eighty-six shall hold such offices and shall execute the powers and perform the duties thereof during so much of the month of July of said year as may remain unexpired at the time of their appointment and qualification. In case of vacancy in the office of clerk or assistant clerk of the police court, the same shall be filled by appointment in like manner as above provided, and the person appointed to fill such vacancy shall hold office for the remainder of the unexpired term, and until his successor is appointed and qualified. Memoranda of such appointments shall be entered in the journal of the proceedings of the police court, and shall be signed by the police justice making such appointment, and certificates of such appointments, signed in like manner shall be by him transmitted to the city clerk of said city, who shall file and preserve the same in his office, and notify the common council of said city of such appointments. Vacancies.

(§ 762.) Sec. 4. No person shall be eligible to the office of police justice or to the office of clerk or assistant clerk of said police court unless at the time of his election or appointment he shall be a citizen of the United States and of the state of Michigan, and a resident elector of the city of Detroit. Said police justices shall be attorneys-at-law, authorized to practice in the supreme court of this state. The police justices, the clerk and assistant clerks of the police court shall, before entering upon the duties of their respective offices, take and subscribe the oath of office prescribed by the constitution of this state before some officer authorized by the law to administer oaths, and shall deposit the same with the city clerk, who shall file and preserve the same in his office. The said clerk and assistant clerks, before Qualifications of justice.

Oath of clerks.

Bonds.

entering upon the duties of their respective offices, shall each give his bond to the people of the state of Michigan in the penal sum of two thousand dollars, with two sufficient sureties, to be approved by the controller of said city, conditioned for the honest and faithful discharge of the duties of his office. Such bond shall be deposited with the controller, who shall file and preserve the same in his office, and inform the common council and the board of education of the city of Detroit of the filing of said bond, and of the names and residences of the sureties thereon. The common council, whenever they shall deem such bond, or any of the sureties thereon, insufficient, may, by resolution, order and require, within a reasonable time, to be fixed by such resolution, new or additional security, to be given in manner and form as near as may be, as is above provided in case of the original security to be filed by said clerks.

Police Justice may be removed.

(§ 763.) Sec. 5. The police justice may be removed from office in like manner and for like cause as is provided by law for the removal of justices of the peace. The clerk and assistant clerks may be removed from office by the police justices upon proof of incompetency, gross neglect of duty, or willful misconduct in office. Resignation of office by any police justice shall be made to the mayor of the city of Detroit, who shall immediately inform the common council of said city thereof. Resignation of office by any clerk, or assistant clerk, shall be made to the police justices, who shall cause to be made an appropriate record of the same. Vacancy in office of police justice, clerk and assistant clerk shall be deemed to exist when the incumbent shall have died, resigned, been removed from office, ceased to be a resident of the city of Detroit, or wholly failed for any cause other than sickness, for a continuous period of three months, to perform the

Resignation and vacancy.

duties of his office. Vacancy in the office of clerk and assistant clerk shall also be deemed to exist if such clerk or assistant clerk shall not, within the time fixed by the common council, file a new or additional security when required, as provided in section four of this act. (As amended by Act approved March 5, 1895.)

(§ 764.) Sec. 6. Each of the police justices shall receive an annual salary of four thousand dollars; the clerk shall receive an annual salary of eighteen hundred dollars; and the assistant clerks shall each receive such annual salary, not exceeding that of the clerk, as the common council may by ordinance prescribe; but the salary of an assistant clerk shall not be increased or diminished during the term for which he shall be appointed. The salaries provided by this section shall be paid in monthly installments. The police justices, the clerk and assistant clerks shall receive no other or further compensation for any services rendered, acts done or duties performed under this act than the salaries provided by this section. (As amended by act approved March 19, 1903.) Salaries.

(§ 765.) Sec. 7. The members of the metropolitan police force of the city of Detroit shall have the power and it shall be their duty to serve all process issued and to execute all orders lawfully made by the police court or any of the police justices, and they shall perform all the duties of conveying prisoners from any jail or other place of detention or imprisonment to the police court or to any of the police justices for complaint, arraignment, examination, trial, sentence or other proceeding, and from the police court or the police justices to any jail, house of correction, reform school, prison, reformatory or any other place of detention, reformation, correction, punishment or imprison- Service of process.

ment, under the direction, order, process, judgment or sentence of the police court or any of the police justices, and they shall be the ministerial officers of the police court and of said police justices. It shall also be the duty of the board of metropolitan police justices to detail a roundsman and two patrolmen of the police jusices to detail a roundsman and two patrolmen of the metropolitan police force of said city to attend the police court; but said board may in its discretion detail a sergeant in place of such roundsman and may detail such additional patrolmen to attend the police court as shall from time to time be deemed necessary and proper.

Common Council to provide court room.

(§ 766.) Sec. 8. The common council of the city of Detroit shall have power and it shall be their duty to provide, maintain and suitably furnish a place for the transaction of the business of the police court, and of the police justices, and of said clerks, which place shall have such offices, rooms and apartments as may be deemed appropriate. The common council shall have power to provide such places by rental or by purchase, or in any other manner not inconsistent with the provisions of the charter of the city of Detroit, or with the laws relating to the powers of said city; but such place or any part thereof shall not be within or a part of any building or other structure used in whole or in part as a police station. The place so provided by the common council shall be known and designated as "the police court building," and all of the business of the police court, of the police justices, and of the clerk and assistant clerks, shall be transacted therein, except as shall be otherwise provided by this act. In case of the destruction of such building or other necessity, the common council may provide a temporary place elsewhere for the transaction of such business.

(§ 767.) Sec. 9. The payment of salaries provided by section six of this act, and the cost and expenses of providing, maintaining and furnishing a place for the police court, and of securing any site therefor, as authorized by section eight of this act, shall be borne by the city of Detroit, and shall be provided for by the common council of said city, in its discretion, as a part of the general fund as established by the charter of the city of Detroit, and shall be paid from such fund in like manner, as near as may be, as annual city expenses are provided and paid All other cost and expense necessary and proper to the due maintenance and operation of the police court, and to the orderly and efficient transaction of the business thereof, and of the police justices and of said clerks, and to the due and complete operation of the provisions of this act, including the service of all writs and process (excepting, however, the salaries of the sergeant, roundsman and patrolmen mentioned in section seven of this act), shall be borne by the county of Wayne, and shall be provided for and paid in like manner, as near as may be, as other county expenses are provided for and paid. Expenses, how borne.

(§ 768.) Sec. 10. The police court shall have original and exclusive jurisdiction to hear, try and determine all criminal cases wherein the crime, misdemeanor or offense charged shall have been committed within the corporate limits of the city of Detroit, or upon any lands, tenements or hereditaments owned or occupied by or under the authority of the city of Detroit, within the county of Wayne, and which crime, misdemeanor or offense would be, now or hereafter cognizable by a justice of the peace if the same had been committed in any other part of this state; to entertain, conduct and dispose of all preliminary examinations into crimes, misdemeanors and offenses which shall have been Jurisdiction of court in criminal matters.

committed within the corporate limits of the city of Detroit, and which may now or hereafter be cognizable by the recorder's court of said city; to hear, try and determine, or otherwise lawfully entertain, conduct and dispose of all cases and proceedings arising within the corporate limits of the city of Detroit, under the laws of this state relative to disorderly persons, illegitimate children, fugitives from justice from other states and foreign countries, the preservation of the public peace and the prevention of crime: *Provided, however*, That this act shall not be in any wise construed to interfere with or affect any of the powers of or the authority conferred by law upon the grand jury of the county of Wayne.

Concurrent jurisdiction with Recorder's Court in certain ordinances.

The police court shall have concurrent jurisdiction with the recorder's court of the city of Detroit to hear, try and determine cases arising under the ordinances of the common council relative to common prostitutes, vagrants, mendicants, street beggars, drunken persons, disorderly persons, disturbances and breaches of the peace, indecent exposure of the person, indecent conduct, indecent exhibitions, and other disorderly conduct.

Person arrested for violation of city ordinances to be discharged on furnishing bail.

And any person arrested for a breach of any of the ordinances aforesaid shall be discharged from custody upon entering into recognizance in a sum not exceeding the penalty provided for the violation of the same, and with sureties satisfactory to the officer taking said recognizance conditioned for the appearance of such person to answer to any complaint that may be preferred against him or her. Either of said police justices, the clerk of the police court, and the clerk of the recorder's court of the city of Detroit, shall have power to take said recognizance, and it shall be the duty of the officer having such person in custody to produce him before any of said officers for the purpose of giving bail when required so to do. All recognizances taken as hereby

provided shall be filed as soon as practicable in the office of the clerk of the court before whom such person is brought for trial, and said court shall have full jurisdiction and authority to control and enforce the same. Recognizances, where filed.

(§ 769.) Sec. 11. The police court shall have power to issue all lawful writs and process, and to do all lawful acts which may be necessary and proper to execute and carry into complete effect the powers and jurisdiction given by this act, and especially to issue all writs and process, and to do all acts which justices of the peace, within their respective jurisdictions, may issue and do by the laws of this state, and shall, as far as applicable, be governed by the provisions of law regulating criminal cases and proceedings before justices of the peace. Any one of the police justices may open the police court, and hold, continue and adjourn a session thereof, and shall constitute a quorum for the transaction of any business of which the police court may lawfully take cognizance, and said police justices may severally hold, continue and adjourn sessions of the police court, simultaneously, for the transaction of any such business; but a continuance or adjournment by one police justice shall not of itself affect any session held by or business pending before any other police justice. The police justices shall severally have power and authority to act in any case, matter or proceeding pending in said court as circumstances and justice may require, or as may be necessary or proper, subject to the limitations of this act; but no police justice shall review or revise any order, judgment, sentence or act of any other police justice involving the personal discretion, judgment or opinion of such other police justice. The police justices may assign or apportion the business of the police court among themselves, for the convenient, orderly and prompt trans- To have powers of justices of peace.

Apportionment of business.

action thereof. The police justice whose term shall soonest expire, and who shall not have been elected to fill a vacancy, shall be known and designated as the senior police justice. He shall sign the daily journal of the proceedings of the police court. In case of the absence or inability to act of the senior police justice, the other justice present shall act as senior police justice. Except as provided by this act, the senior police justice shall possess no greater or other power or authority than any other police justice. The practice in the police court shall, subject to the provisions of this act, conform, in general, to the practice in similar proceedings in courts of record; but neither the police court, nor any police justice, shall have any power or authority to grant new trials or to vacate or arrest any judgment, or to stay any proceedings thereon. No person shall be allowed to appear or practice in the police court as an attorney and counselor unless he shall be authorized to appear and practice in that capacity in the circuit court for the county of Wayne. Trials and examinations in the police court shall be public, but whenever it shall appear that, upon the trial of any cause or upon examination, evidence of licentious, lascivious, degrading or peculiarly immoral acts or conduct will probably be given, the police justice presiding at such trial or examination may, in his discretion, require and cause every person except those necessarily in attendance thereon, to retire and absent himself or herself from the court room during such trial or examination, or any portion thereof, and no person under the age of sixteen years shall be permitted at any time to remain during the trial of any cause, or during any examination in the police court, or during any portion thereof, in the court room in which such trial or examination is pending, unless such person is accompanied

Senior police justice.

Practice.

Attorneys.

Trial to be public.

Exceptions.

by one of its parents or guardians, or is required by law or the process of the court to be present or in attendance thereon. The police court and clerk's office shall be open daily (except Sundays and holidays) at reasonable hours, for the transaction of the general business thereof, but said court shall be deemed in law always open for the purpose of taking complaints, issuing warrants and admitting prisoners to bail, in cases, matters or proceedings arising under the laws of the state of which the police court may take cognizance; and in such cases, matters and proceedings, either police justice may take complaints and issue warrants thereon, at all hours, and upon all days, anywhere within the corporate limits of the city of Detroit. It shall be the duty of the several police justices to attend and open the police court, and hold sessions thereof, at such times as the common council of the city of Detroit shall by ordinance prescribe, and then and there examine into and determine all cases arising under any of the ordinances of said common council which shall be brought before the police court, and of which such court shall, by the terms of this act, have jurisdiction. And it shall be the duty of all officers having in custody or confinement any person charged with violating any of the ordinances of the common council mentioned in section ten of this act, to promptly bring such prisoner before the police court for trial or other lawful action, unless such prisoner shall be held under or by virtue of the warrant, capias or other process of another court, magistrate or officer.

Hours of business.

(§ 770.) Sec. 12. The police court shall have power to punish, as for a criminal contempt, any person who shall be guilty of any act, conduct or behavior for which such person would be punishable as for a criminal contempt in any court of record, if

Contempt of court.

such act had been committed within its jurisdiction, and the procedure in the police court, in cases of contempt, shall be substantially the same as in courts of record, and like punishment may be inflicted therein, except that no fine shall exceed one hundred dollars.

May require security for costs from complainant.

(§ 771.) Sec. 13. The police court shall have authority in all cases, in its discretion, either before or after the issuing of process, to require of the complainant security for costs to the satisfaction of the police justice ordering the same, or in his absence to the satisfaction of any other police justice, and the person becoming such security shall sign a memorandum in writing to that effect, which shall be filed with the clerk, and shall be kept as a part of the proceedings in the case. If the defendant or prisoner shall be discharged upon examination, or acquitted upon trial, or if the complainant, being a material witness, cannot be found, and the case shall for that reason be dismissed, judgment for costs shall be entered immediately against the complainant, or against the complainant and his surety when security for costs shall have been given; and such judgment shall have like force and effect, and execution for the collection thereof may issue as in case of any judgment rendered by a justice of the peace; *Provided*, That the police justice rendering such judgment shall find and cause to be entered in the record of the case that he found that payment of such costs by the complainant was just and equitable. In determining the amount of costs the court shall be governed by the provisions of law relative to fees, cost and expenses in similar proceedings before justices of the peace, but in no case shall such judgment for costs, when rendered, be less than for three dollars. If execution shall have been issued upon such judgment for costs, and

shall have been returned unsatisfied, proceedings as for contempt may be had against the complainant or his surety, or both, as in case of criminal contempt committed out of the presence of the court.

Who may let prisoners to bail.

(§ 772.) Sec. 14. The police court, or either police justice thereof, the recorder's court of the city of Detroit, the circuit court for the county of Wayne, and the supreme court of this state, and the justices thereof, and no other court, magistrate or officer whatever, except as provided in section ten, shall have power to let to bail any prisoner or person in custody, charged with a bailable crime, misdemeanor or offense of which the police court shall for any purpose have jurisdiction.

Attachments for witnesses.

(§ 773.) Sec. 15. If it shall appear to the police court, or to either police justice, by affidavit or other appropriate evidence upon oath, or by the testimony of any witness or witnesses given in the course of any trial or examination in the police court, that any person is a material witness in any case, matter or proceeding pending in said court, and will probably be a necessary witness therein, either before the police court or any other court, and that there is reason to believe that such person will not appear and testify in such case, matter or proceeding, unless security be given by such person to so appear and testify, the police court or police justice may by appropriate process attach such person and commit him or her to the custody of the superintendent of the metropolitan police force of the city of Detroit, to be by said superintendent held and detained according to law as a witness in such case, matter or proceeding until the further order of the police court, but not longer than thirty days from the date of the warrant of commitment, unless such person shall

Bail of witnesses.

give bail in such sum and with such surety or sureties as shall be approved by either police justice of said court, conditioned, at the option of the party giving the same, either to remain openly for the thirty days next succeeding the date of the warrant of commitment, within the corporate limits of the city of Detroit, or to appear and testify from time to time in such case, matter or proceeding therein without further notice.

Commitment to Detroit House of Correction.

(§ 774.) Sec. 16. When any person shall be convicted in the police court of any crime, misdemeanor or offense which may, by the terms of any law or statute prescribing the punishment therefor, be punished by imprisonment in the county jail, either as an absolute or alternative penalty, the judgment or sentence of the police court shall in such case, if punishment by imprisonment is imposed thereby, provide that such convicted person shall be imprisoned in the Detroit house of correction instead, anything in said law and statute to the contrary notwithstanding. And persons so sentenced to the Detroit house of correction shall be received and kept by the superintendent thereof in like manner as other prisoners lawfully committed thereto.

Offenders subject to imprisonment on non-payment of fines.

(§ 775.) Sec. 17. When by any statute of this state a forfeiture is provided as a penalty for the violation thereof, and such violation is an offense falling within the jurisdiction of the police court to hear, try and determine, the offender shall, upon conviction in that court, be sentenced to pay a fine not exceeding the amount of such forfeiture, and in default of the payment of such fine to be imprisoned in the Detroit house of correction for a definite period, not exceeding ninety days, unless such fine be sooner paid: *Provided*, That the said police court is excepted

Certificates of conviction need not be filed.

in all cases from the operation of law requiring the filing of certificates of conviction with the county clerk.

(§ 776.) Sec. 18. Any warrant, writ, or other process of the police court, whether issued by said court or a police justice, shall be in the name of the people of the State of Michigan, shall be addressed to the superintendent or any sergeant, roundsman, detective or patrolman of the metropolitan police force of the city of Detroit, shall be tested by the senior police justice, shall be returnable before the police court at the police court building, shall be signed by the police justice issuing the same or authorizing the issuing thereof, and may, without backing or endorsement by any other court, magistrate, or officer, be served or executed anywhere in the State of Michigan. Service of process.

(§ 777.) Sec. 19. Any case, matter, or proceeding pending in the police court may be adjourned, postponed or continued from time to time as in the discretion of the court shall seem proper, except such as may be heard, tried, and determined in the police court, which shall, if the accused is in custody for want of bail, be heard, tried, and determined, within ten days after the return of the warrant, unless it shall be made to appear by affidavit or other sufficient showing that justice requires an adjournment, postponement, or continuance of such case, matter, or proceeding beyond said ten days, in which event it may be adjourned, postponed, or continued beyond said ten days, but not more than thirty days in all from the date of the return of the warrant, and which shall, if the accused is not in custody for want of bail, be heard, tried, and determined within thirty days from the date of the return of the warrant. But if any of the periods of time herein limited shall expire during the trial of Adjournments.

such case, matter, or proceeding, it shall, nevertheless, proceed to final determination, in the manner and with like effect, as though the period limited as aforesaid had not expired.

Police court may investigate cases where crime is suspected.

(§ 778.) Sec. 20. If either police justice shall have probable cause to suspect that an indictable crime, misdemeanor, or offense has been committed within the corporate limits of the city of Detroit, and that any person within the lawful jurisdiction of the process of the police court may be able to give any material evidence respecting such crime, misdemeanor, or offense, he shall have power and authority in his discretion to require such person to appear before him as a witness and answer upon oath such questions as shall be put to him or her touching such crime, misdemeanor or offense, or his or her knowledge or information of the same, or of any material fact involved therein; and the proceedings to summon said witness and to compel him or her to testify shall, as far as practicable, be the same as proceedings to summon witnesses and compel their attendance and testimony in ordinary cases, matters, and proceedings in the police court, and if upon such inquiry the police justice shall be satisfied that such crime, misdemeanor, or offense has been committed, and that there is probable cause to suspect any particular person or persons to be guilty thereof, he may cause the apprehension of such person or persons by proper process, and upon the return of such process served or executed, the police justice shall proceed with the case, matter or proceeding in like manner as upon formal complaint by the injured party or other person. And in respect of communicating or divulging any statements made by such witness during the course of such examination the police justice shall be governed by the provisions of law relative to grand jurors.

Law of grand jury to govern.

Records.

(§ 779.) Sec. 21. The clerk of the police court shall keep a true record of the proceedings of said court and of the business of his office in journals, calendars or other proper books to be provided for such purpose, which books shall be of such forms as shall be approved by the senior police justice. He shall file and safely keep all books, bonds, recognizances and papers belonging to the police court or to his office. He shall receive all fines and costs imposed by said court, and shall within forty-eight hours after the receipt thereof, pay the same to the county treasurer of the county of Wayne, and take receipt therefor, except such fines and costs as shall be imposed and received in cases arising under the city ordinances above mentioned, which shall be paid in like manner and within the same period to the city treasurer of the city of Detroit, and by him credited to the police court fund. He shall have power and authority generally to administer oaths and take affidavits. He shall write depositions and perform such other clerical work as shall be required from time to time by the police court. The assistant clerks shall have the same powers and may perform the same duties as the clerk, but shall be under his direction and may be assigned by him to exercise such powers and perform such duties before or with either of said police justices. In the absence of the clerk the senior police justice may direct an assistant clerk to act as clerk for the time being. The books, records, files and papers of the police court and of the clerk's office shall be deemed public, and subject to reasonable rules and regulations to be fixed by the police justices, shall be, at reasonable times, open to public inspection.

Fines.

Records to be public.

Juries in Police Court.

(§ 780.) Sec. 22. Juries in the police court shall be judges of the law and the facts. They shall be composed of six persons,

who shall severally possess the lawful qualifications of jurors in the recorder's court of the city of Detroit, and any challenge which would be valid if made in the recorder's court shall be valid and sufficient if made in the police court: *Provided, however*, that but two peremptory challenges shall be allowed to the people and a like number to the accused in all trials in the police court. The board of jury commissioners, as created by act number one hundred sixty of the session laws of eighteen hundred and eighty-one shall annually, or whenever required by the senior police justice in accordance with the method provided by that act select persons to serve as jurors for the trial cases, matters and proceedings in the police court, and shall file a list of the persons so selected with the clerk of the police court, the number to be selected on the third Monday in May of each year, as provided by said act, shall be five hundred. After the filing of such list the proceedings for selecting, summoning and compelling the attendance of jurors and talesmen shall be, as far as practicable, the same as is provided by law for like purposes in the recorder's court, except that the attendance of the sheriff shall not be required. Jurors shall be drawn and summoned for a term of one month, which shall be the calendar month next succeeding such drawing. Not less than eighteen nor more than thirty-six jurors shall be drawn and summoned for a term, unless for a special reason the senior police justice shall in writing direct that a greater number be drawn and summoned. The persons so drawn shall be notified in writing of their liability to jury duty in the police court for the calendar month to be specified, which notice shall be served personally, if practicable, upon each person so drawn by a member of the police, and a return in writing of the time and manner of such service shall be made

Challenges.

Selection of Juries.

Numbers of Jurors to be drawn, etc.

and filed with the clerk of the police court. The actual attendance of the persons duly notified for jury service, may be required and enforced according to law. No juror shall be excused from attendance for the term except by the concurrence of the two police justices. Whenever by law the recorder, or judge of the recorder's court, is required or directed to be present at or participate in any part of the proceedings to select jurors for that court the senior police justice, or acting senior police justice, shall perform like duty in like proceedings to select jurors for the police court. All persons serving as jurors in said court shall receive the sum of two dollars and fifty cents for each day's service. (As amended by act approved May 2, 1899.)

Compensation

(§ 781.) Sec. 23. In all cases determined in said police court an appeal may be taken to the recorder's court of the city of Detroit, in the same time and manner and with same effect as prescribed by the general laws of the state for appeals from convictions by justices of the peace within this state to the circuit court in criminal cases. (As amended by act approved June 3, 1891.)

Appeals.

(§ 782.) Sec. 24. The common council of the city of Detroit shall have power, at any time after the passage of this act, and subject to the limitations thereof, by resolution to designate a justice of the peace of said city to act as assistant police justice, and in case of death, resignation, absence or inability of the present police justice, the person so designated shall have and exercise all the powers and functions of the present police justice, and shall perform all the duties of such office, and in case of death, resignation, absence or inability of both of the police justices provided for by this act, simultaneously, the justice of

Common council may appoint justice of peace to act as assistant police justice.

the peace so designated as assistant police justice shall have and exercise all the powers and functions of a police justice (including those of the senior police justice), and shall perform all the duties of such office until a police justice is elected and qualified, or resumes the performance of the duties of his office.

Repeal of other acts after July 4, 1886.

(§ 783.) Sec. 25. The act of the legislature of the state of Michigan entitled "An act to establish a police court in the city of Detroit," approved April 2, 1850, and all amendments thereof, and all other acts and parts of acts of said legislature relative to the police court of the city of Detroit, except so far as the same shall be preserved or continued in force by this act, shall on and after the fourth day of July, A. D. eighteen hundred and eighty-six, stand repealed, and the present police court of the city of Detroit shall on the fourth day of July, A. D. eighteen hundred and eighty-six, wholly cease to exist, and shall then and thereafter exercise no power, authority or jurisdiction whatever; and all cases, matters and proceedings pending and undetermined before the said police court or police justice shall, on said day, by virtue of this act, simply, be and shall stand transferred to the police court, established by this act, and shall therein be heard, tried and determined, or otherwise lawfully disposed of, as though originally commenced in the latter police court, and as near as may be, according to the law and practice thereof; and all records, books, files, bonds, recognizances and other papers belonging or appertaining to the present police court, or to the office of the clerk thereof, shall be by such clerk promptly delivered to the clerk of the police court established by this act, and shall be by the latter clerk kept and filed in his office, where they shall have the same force and effect and be used for the same purpose as though originally filed in said office; but this act shall

Transfer of files and papers.

not be construed to affect any cause, matter or proceeding heard, tried and determined, or otherwise lawfully disposed of in the present police court at any time prior to the said fourth day of July, A. D. eighteen hundred and eighty-six, except for the taking of a lawful appeal therein, which may be taken under the provisions of this act only. (Act approved June 9, 1885.)

Search warrants.

(§ 784.) Sec. 26. Search warrants may be issued by the police court in all cases authorized by law, and with like conditions and limitations. Such process shall be directed as provided by section eighteen of this act, and shall command the officer executing the same to notify the person upon whose premises any of the property specified in such process may be found to appear at the police court at a time to be specified in such notice, to show cause why the property so found and seized should not be disposed of on such process in the manner provided by law. A memorandum containing the substance of such notice, and in a form approved by the senior police justice, shall be served by the officer upon the person whose premises any such property is seized. Such service shall be made at the time, as near as may be, that the property is seized, and by the officer executing the process, and may be served personally upon any person claiming rights in the property seized, or be left on the premises mentioned in the warrant of search with any person for the time being having the charge of said premises. At the time mentioned in such notice, or at such other time to which the hearing may be adjourned, one of the police justices may proceed to hear and inquire into all matters relating to the issuing and execution of such search warrant, and shall hear evidence, if any be offered, by any person claiming such property against the right of seizure under such search warrant. If the said police justice shall not

be satisfied, upon such hearing, that a disposition of the property so seized may be justly made under such process, he shall order that the property be returned to the person and to the place from whence it was taken; otherwise he shall dispose of the same according to law and the very right of the matter. All proceedings under this section shall be summary, and no warrant of search issued by the police court under this section shall justify any search or seizure on premises beyond the corporate limits of the city of Detroit. (As added by act approved June 28, 1887.)

Testimony to be taken by stenographer.

(§ 785.) Sec. 27. In case of examinations of offenders by said police court for offenses committed against the criminal laws of this state, when said police court has jurisdiction to examine and hold to bail only, it shall be lawful for said police court to cause an order to be entered in the records of such court before or during the pendency of such examination if in the judgment of said court it be for the best interests of the public so to do, appointing some suitable stenographer, to be named by said court, to take down in shorthand the testimony of any such examination; and any stenographer so appointed shall receive such per diem compensation for the time by him expended in so taking down such testimony, and such price per folio for writing out in longhand such testimony, so taken in shorthand, as shall be fixed by the board of auditors of Wayne county, the same to be allowed and paid out of the treasury of said county; provided that it shall not be necessary for witnesses whose testimony is taken as above provided to sign such testimony, but any witness shall have the right to have such testimony read over to him at his request. Such testimony when so written out in longhand

shall be received and filed in the recorder's court for the city of Detroit and the circuit court for the county of Wayne without the signature of such witnesses for the same purposes and with like effect as the testimony of witnesses as now provided for by law, which is signed by said witnesses, and such testimony so taken and written out in longhand shall be considered prima facie evidence of the testimony of said witnesses at such examinations. (This section added by act approved March 5, 1895.)

STENOGRAPHER OF POLICE COURT.

An Act to provide for the appointment of a stenographer for the probate court of the county of Wayne, and for the police court of the city of Detroit, to prescribe his duties and fix his compensation.

Appointment.

(§ 786.) Section 1. *The People of the State of Michigan enact*, That the judge of probate for the county of Wayne shall have power to appoint a stenographer for the probate court of said county.

(§ 787.) Sec. 2. The person so appointed shall be deemed an officer of the court, and shall be subject to suspension or removal for incompetency or misconduct, and in case of such suspension he shall thereafter cease to hold the office of stenographer, unless by order of the court his suspension shall be rescinded.

(§ 788.) Sec. 3. It shall be the duty of the stenographer to attend each session of the court when directed by the judge thereof, and take full stenographic notes of all testimony and proceedings in cases required by said judge of probate. When-

Duty to attend police court upon demand of justices.

ever the services of said stenographer are not required in said probate court, upon the demand of either of the justices of the police court of the city of Detroit, he shall attend such sessions of the police court as they may direct, and take full stenographic notes of the testimony and proceedings in such cases.

Compensation

(§ 789.) Sec. 4. The stenographer shall receive as his compensation a salary of two thousand dollars per annum, which shall be paid in monthly installments out of the county treasury; and in case either party to a cause shall desire a transcript of his notes, he shall furnish such transcript to the party ordering it, and he shall be entitled to receive for the same six cents per folio: *Provided*, That in case the prosecuting attorney should desire a transcript of said notes, the same shall be paid by the auditor (auditors) of Wayne county at a rate of six cents per folio: *And provided, further*, That in case the judges of said courts shall desire a copy for their personal use, the same shall be furnished without compensation.

(§ 790.) Sec. 5. Before entering upon the duties of his office, the stenographer shall take and subscribe the official oath prescribed by the constitution, which oath shall be administered by the presiding judge.

This act is ordered to take immediate effect.

Approved June 7, 1889.

DISORDERLY PERSONS.

An Act to provide for the punishment of disorderly persons in the City of Detroit, and also to provide for the support of their wives and children. (Act approved June 2, 1881.)

Disorderly persons.

(§ 791.) Section 1. *The People of the State of Michigan enact*, That all persons, residents of the City of Detroit, who refuse or neglect to support their families, shall be deemed disorderly persons and guilty of a misdemeanor: *Provided*, That if upon the examination it shall appear to the satisfaction of the police justice that the defendant's neglect to support his said family was occasioned by sickness or other physical or mental disability, or for other good cause, the same shall constitute a good defense to said charge.

Who are.

When not liable.

Police justice to examine.

(§ 792.) Sec. 2. Upon complaint made on oath to the police justice of the City of Detroit, against any person charged with the foregoing offense, and committed within the limits of said city, he shall examine the complainant on oath and the witnesses produced by him or her, and shall reduce the complaint to writing, and cause the same to be subscribed by said complainant: And if it shall appear that such offense has been committed, he shall issue his warrant reciting the substance of the complaint, and requiring such person so charged to be brought before him to be dealt with according to law, of which notice in writing shall be given to the secretary of the board of poor commissioners, and in accordance with the provisions of "An act to establish a police court in the city of Detroit," approved April two, eighteen hundred and fifty, and the amendments thereto, except as is provided for in the following section:

To issue warrants.

To notify poor Commissioners.

Penalty.

(§ 793.) Sec. 3. On conviction for such offense, such person shall be imprisoned in the Detroit house of correction for the period of not more than ninety days.

Police justice to give certificate to poor commissioners

(§ 794.) Sec. 4. The said police justice, on application therefor, shall give to the wife or children of such person so convicted, if he shall be satisfied that they are liable to become a burden on the public, a certificate, duly certified, of such conviction, and setting forth the cause thereof and the term of imprisonment, which, on being presented to the commissioners of the poor for the city of Detroit, shall be evidence of the facts therein stated, whereupon the following allowances, in money or in kind, shall be made by said commissioners out of the poor fund provided for the support of the dependent poor of said city,

Relief of dependent's family.

during the term of imprisonment of such person so convicted, to wit: If there be a wife and child or children, the sum of thirty cents per day; if there be a wife, but no children, the sum of twenty cents per day, and which said sums shall be paid at the end of each week by said commissioners to the above described persons.

(§ 795.) Sec. 5. This act shall apply only to the city of Detroit. All acts inconsistent herewith are hereby repealed.

CHAPTER XXV.

JUSTICES' COURTS IN THE CITY OF DETROIT.

An act to establish and provide justices' courts in the City of Detroit, and to repeal act number four hundred and twenty-six of the local acts of nineteen hundred and one, approved May thirteenth, nineteen hundred and one.

The People of the State of Michigan enact:

(§ 796.) Section 1. That there shall be four justices of the peace in and for the City of Detroit, who shall be elected at the regular charter election of said city, or at any general election held therein, in the same manner, possess the same jurisdiction, powers, duties and liabilities, as justices of the peace for townships, excepting as otherwise provided by law. Each of said justices of the peace shall hold his office for the term of four years, commencing on and after the fourth day of July succeeding his election. The four justices of the peace heretofore elected, and now holding office in said City of Detroit, shall be and continue to act as justices of the peace under the provisions of this act until the expiration of their respective terms of office for which they have been elected, and until their successors are elected and have qualified. The files, records and dockets belonging or appertaining to the offices of justice of the peace now

Four justices to be elected.

Jurisdiction.

Term of office.

Files and records shall be safely kept.

in office, and all files, records and dockets hereafter appertaining to such offices, shall be filed and safely kept in the office of the clerk of said justices' courts hereinafter mentioned.

Two justices shall be elected every two years.

(§ 797.) Sec. 2. At the general election held in November, in the year nineteen hundred and four, and every two years thereafter, there shall be elected two justices of the peace, whose terms of office shall commence on the fourth day of July next succeeding their election, and who shall hold their office for a term of four years.

Auditors shall provide suitable rooms.

(§ 798.) Sec. 3. The auditors of the County of Wayne shall provide suitable rooms for the accommodation of said justices of the peace, and also an office for the clerks hereinafter mentioned, also such jury rooms as may be necessary, which offices and rooms shall be as nearly contiguous to each other as in the discretion of said auditors, and the convenient dispatch of the business of said courts requires. Said auditors shall also provide necessary dockets and books, including the Michigan Reports, blanks, stationery, furniture and fuel, for the use of said justices and clerks.

Dockets, books etc.

Limit of jurisdiction.

(§ 799.) Sec. 4. Each of the said justices of the peace elected in the said City of Detroit, and duly qualified according to law, shall have original jurisdiction of all civil actions wherein the debt or damages do not exceed the sum of one hundred dollars; and concurrent jurisdiction in all civil actions excontractu and exdelicto, wherein the debt or damages or the property involved does not exceed the sum of five hundred dollars, except as provided in section seven hundred and four of the Compiled Laws of Michigan, A. D. eighteen hundred ninety-seven.

Exclusive jurisdiction.

(§ 800.) Sec. 5. The said justices of the peace of the City of Detroit, as against all other justices of the peace, shall have exclusive jurisdiction of all actions and proceedings within their jurisdiction, where both of the parties thereto shall, at the time of the commencement of such action or proceeding, be residents of said city. They shall also have a like exclusive jurisdiction where the original cause of action existed in favor of a resident of said city, but has been by him assigned: *Provided, however,* Such assignee resides in Wayne County. They shall also have jurisdiction in all cases where either or any of the parties reside in said city.

Salary.

(§ 801.) Sec. 6. Each of said justices of the peace shall receive from the treasurer of the County of Wayne an annual salary of two thousand five hundred dollars, payable in semi-monthly installments on the certificate of the board of auditors of the County of Wayne.

Fees for marriage ceremonies etc.

(§ 802.) Sec. 7. This act shall in no way affect the fees to which said justices of the peace shall be entitled on the performance of marriage ceremonies, taking acknowledgments, and in administering oaths in matters not connected in any litigation in the said justices' courts.

Hours court room shall be open.

(§ 803.) Sec. 8. Each of the said justices shall have his court room open, and he shall be in attendance at the duties of his office therein, from nine o'clock in the forenoon, city time, until twelve o'clock noon, and from two o'clock until four o'clock in the afternoon: Provided, That where either one of said justices is actually engaged in the trial of a suit, he shall so continue at least until five o'clock in the afternoon, when it shall be necessary so to do in order to finish the trial of said suit. Proviso.

Clerk.

(§ 804.) Sec. 9. There shall be one clerk for said justices, who shall be known as the clerk of the justices' courts for Detroit. The office of said clerk shall be open continuously from eight-thirty a. m. until four o'clock p. m., city time, each day, excepting legal holidays. He shall be appointed by the board of auditors for the County of Wayne forthwith upon the making and filing with them of the written recommendation of the majority of said justices holding office, on or before December thirty-first of each year. If for any reason such recommendation be not made and filed by the said date then the said auditors shall make such appointment on their own motion. The term of office of said clerk shall be one year, to commence on the first day of January. He shall receive from the treasurer of Wayne County an annual salary of fifteen hundred dollars, payable in semi-monthly installments on the certificate of said auditors of Wayne County.

How and by whom appointed.

Term of office.

Salary.

Bond of clerk

(§ 805.) Sec. 10. Before entering upon the duties of his office, the said clerk shall file in the office of the clerk of Wayne County, a surety company bond in the penal sum of five thousand dollars, to be approved by the said auditors of Wayne County, conditioned that the said clerk shall faithfully and properly perform the duties of his said office, and that he shall well and truly pay to the treasurer of Wayne County all moneys received by him or his deputies under him, as clerk of said justices' courts, for the use of said county, and that he shall well and truly pay to the persons entitled thereto all moneys paid under judgments rendered by said justices, and all moneys paid under garnishments in said justices' courts, and all moneys otherwise received by virtue of his office, and otherwise conditioned as the said auditors shall prescribe.

Condition of bond.

(§ 806.) Sec. 11. It shall be the duty of said clerk to keep a true and complete record of all proceedings before each of said justices, and to enter all judgments in the docket of the justice rendering the same in the time and manner prescribed by law, which judgment shall be signed by the justice by whom it was rendered, and such records shall be hereafter indexed in the proper book to be kept for that purpose, which said index shall be kept both as to plaintiffs and defendants. He shall keep true and correct accounts of all moneys received by him or his deputies, as court fees for the use of Wayne County, or for any other purpose, and shall properly account for and pay over the same to the party entitled thereto. He shall also file and safely keep all papers and books belonging and appertaining to the said justices' courts, none of which shall be removed from said office without the authority in writing of the justice before whom the cause is pending, or the clerk of said court, nor unless proper receipts be given therefor. The said clerk shall also enter in a book provided for the purpose a list of all jurors that sit in trial of cases in said justices' courts, together with the date or dates and the time during which said jurors served, with a reference to the page of the docket containing the record of the cause in which said juror served. Said clerk shall receive all costs, fines and dues of every description, which are provided by law in all proceedings in said justices' courts, and shall pay the same weekly to the treasurer of Wayne County, and shall take his receipt therefor. All moneys paid under judgments rendered by said justices, and all moneys paid under garnishments in said justices' courts shall be paid to said clerk, or his deputy or deputies by him authorized to receive the same. Said clerk shall have power generally to administer oaths and to take affidavits.

Duties of clerk

Moneys received by clerk.

Clerk to keep books and papers.

Shall enter list of jurors.

Shall receive all fines, costs etc.

Shall keep assignment book.

(§ 807.) Sec. 12. Said clerk shall keep an assignment book or list upon which the names of the justices shall appear, and as cases are commenced, he shall assign them and make all writs and process therein returnable to the said justices in rotation, and as each case is assigned he shall number the same, and the said number shall be designated and known as the file number.

Writs and process returnable in rotation.

Writs: when returnable.

All original writs or process issued by said justices shall be returnable at nine o'clock in the morning, city time. If upon the return day or the adjourned day of any case, the justice issuing the writ or process therein shall be absent at the time to which the case has been adjourned or the writ or process therein made returnable, or be engaged in the trial of another case, then any of the other justices present shall have the same jurisdiction to proceed therein as though the case had been originally commenced before him, and the record thereof shall be entered in the docket of the justice issuing the original writ or process: Provided, That it shall not be necessary for the said justices to wait any length of time after the time fixed by any writ or adjournment to dispose of the cases pending before them.

Practice when justice is absent.

Proviso.

Deputy clerks

(§ 808.) Sec. 13. Said clerk shall have and is hereby given the power and authority to appoint such number of deputies as shall be approved by the board of county auditors, whose terms of office shall commence on the first day of January of each year, to properly execute the work of said office, and said appointment shall not be for a longer time than his term of office, and shall be subject to revocation at any time, for cause, by said clerk. Appointments and revocation of appointments of such deputies shall be made by the certificate of said clerk filed with the auditors of Wayne County, and such certificates shall be notices of the ap-

Term of office

Appointment and revocation, how made.

pointment or revocation, as the case may be, and the appointment or revocation shall be operative from the time of the filing of such certificate, and the said board of auditors shall cause payment of salary to such deputies accordingly. The said deputy clerks shall be under the control and direction of the said clerk, and shall perform such duties as he shall direct, and shall have authority to administer oaths, take affidavits, and perform generally the duties of said clerk. Each of said deputies shall, if required by said clerk, furnish a good and sufficient bond for the faithful discharge of his duties, with surety or sureties in such amount and with such conditions as said clerk may prescribe. One of said deputy clerks shall be designated by said clerk as chief deputy, and shall receive a salary of one thousand and two hundred dollars per annum. The other deputies shall each receive a salary of one thousand dollars per annum. Said salaries shall be paid in semi-monthly installments by the treasurer of Wayne County, upon the certificate of the auditors of said county.

Duties of deputy clerks.

Bond.

Chief deputy.

Salary of chief deputy.

Salaries of other deputies.

(§ 809.) Sec. 14. Before any civil action or proceeding, except proceedings in garnishment, shall be commenced in said justices' courts, there shall be paid to the clerk of said court by the party bringing the action, the sum of fifty cents and the fees of the officer for service of the writ or process by which such action is commenced, and before the trial of such action or proceeding shall be commenced, the further sum of fifty cents; but in cases of non-suit, no judgment fee shall be required, and proceedings in garnishment shall be treated as part of the principal case, except garnishment proceedings commenced upon judgment rendered prior thereto, in which cases an entry fee and trial fee shall be paid as in other actions herein provided, and no additional fee shall be charged therefor up to and including the entry

Costs and fees in commencing suit.

Trial fee.

Costs in garnishment upon judgment.

Service fees to be retained by clerk until writ or process served.

of judgment therein. The fees paid to the clerk for service of such writ or process by which the action is commenced, shall be retained by said clerk until the writ or process has been returned duly served, or said cause is brought to issue, when the said fee or fees shall be paid by said clerk to the officer making the service, taking his receipt therefor and placing the same in the files of said cause: Provided, That if it appear by the files in said case that no service has been had for three months after the date of the writ, then the officer's fees which have been paid into the court shall be returned by the clerk to the plaintiff in the suit.

Proviso.

Writ may issue without payment of court fees in certain cases.

(§ 810.) Sec. 15. If any person shall satisfy one of said justices by affidavit that he has a good, meritorious cause of action for personal service against another within the jurisdiction of said courts, and that he has made personal demand for payment thereof of the debtor, and that such payment has been refused, and that he is financially unable to pay the court costs, and shall also state the name and residence of the debtor, and the amount due over and above all legal set-offs, the justice to whom such affidavit is presented may in his discretion endorse on such affidavit directions to the said clerk to cause to be issued the proper writ in the case returnable before one of the other justices, without charge for court fees for the commencement or trial of said cause. If the plaintiff in such case recover judgment, he shall be entitled to recover his costs therein. The usual court fees, however, shall also be taxed against the defendant, but in favor of Wayne County. If the defendant obtain judgment in such cause, the said court fees shall in like manner and for the like purpose be taxed against the plaintiff. Nothing herein contained shall be so construed as to prevent the circuit court for the

Taxation of costs in certain cases.

County of Wayne, on an appeal of any such cause, to require the appellant therein to give security in said court for costs as in other cases.

Manner of service of summons.

(§ 811. Sec. 16. The service of a summons under this act may be made in the manner prescribed in section fourteen of act number one hundred and ninety-one of the public acts of eighteen hundred and seventy-nine, being section seven hundred and sixteen of the Compiled Laws of eighteen hundred and ninety-seven.

Fees for service of costs and process.

(§ 812.) Sec. 17. Constables and other officers serving writs or process issued out of said justices' court, shall be entitled to receive for the service of such writs or process within the corporate limits of the City of Detroit, the following fees: For the service of a summons by which suit is commenced, seventy-five cents for each defendant served; for the service of a writ of attachment or writ of replevin, two dollars; for the service of such process, outside said city limits, the officer shall be entitled to receive in addition to the above compensation, mileage fees according to the statute regulating such fees, to be computed from the place of service to the corporate limits of the City of Detroit. The above fees shall be in full for all services rendered by the officer or his assistants, and it shall be unlawful in any case for the officer or his assistants to demand or receive any compensation whatsoever in addition to the fees above set forth. For the service of other process or the performance of other duties, the fees therefor shall be regulated according to the general statutes providing therefor. Except as herein otherwise provided, this act shall in no way affect the fees to which constables are entitled, or the present method of paying them.

Summons.

Writ of attachment or replevin.

Mileage fees outside city limits.

No additional compensation

General statutes govern in certain cases.

Jury commissioners to select jurors.

(§ 813.) Sec. 18. The board of jury commissioners, as created by act number two hundred and four of the public acts of eighteen hundred ninety-three, shall annually or whenever required by the clerk of said court, in accordance with the method required by that act, select persons to serve as jurors for the trial of cases, matters and proceedings in said justices' courts, and shall file a list of the persons so selected with the clerk of said justices' courts. The number to be selected on the third Monday of May of each year as provided by said act, shall be three hundred. After the filing of such list, the proceedings for selection, summoning and compelling the attendance of jurors and talesmen shall be, as far as practicable, the same as provided by law for like purposes, as in the circuit court for Wayne County, except that the attendance of the sheriff shall not be required. Jurors shall be drawn and summoned for a term of two months, which shall be the calendar month next succeeding such drawing. Not less than eighteen or more than thirty-six jurors shall be drawn and summoned for a term, unless for a special reason the clerk of said court shall in writing direct that a greater number shall be drawn and summoned. The persons so drawn shall be notified in writing of their liability to jury duty in the justices' courts for the calendar months to be specified, which notice shall be served personally, if practicable, upon each person so drawn, by the sheriff in the manner now provided by law, and a return in writing, of the time and manner of such service shall be made and filed with the clerk of said justices' courts. Said jurors shall report for service to the clerk of said court. The actual attendance of the persons duly notified for jury service may be required and enforced according to law. The persons so serving as jurors shall be entitled to receive from

Number to be selected.

Proceedings to compel attendance of jurors.

Term of jurors

Number of jurors for each term.

How persons drawn shall be notified.

Jury fees.

the County of Wayne the sum of two dollars and fifty cents each for each day's actual attendance, which sum shall be paid by the county auditors on certificate of the clerk of said justices' courts. Whenever by law, a judge of the circuit court for Wayne County is required or directed to be present at or to participate in any part of the proceedings to select jurors for that court, the clerk of said justices' court shall perform like duty in like proceedings to select jurors for said justices' courts.

Proceedings when court judge is required to be present.

(§ 814.) Sec. 19. Juries in said justices' courts shall be composed of six persons, who shall be residents of said City of Detroit, and shall severally possess the lawful qualifications of jurors in the circuit court for the County of Wayne, and any challenge, which would be valid in said circuit court, shall be valid and sufficient if made in the said justices' courts: Provided, however, That but two peremptory challenges shall be allowed to the plaintiff, and the like number to the defendant in all trials in said justices' courts. If any party demands a jury in any action in said justices' courts, he shall advance to the clerk the sum of five dollars as jury fee, and the same shall belong to the County of Wayne, and shall be turned over by said clerk in the same manner as is required in the case of other moneys received by him: Provided, That in all cases where the amount involved does not exceed fifty dollars, the jury fee shall be only three dollars.

Qualifications of jurors.

Challenge.

Limitation of peremptory challenges.

Party demanding jury must advance fee.

Amount of jury fees.

(§ 815.) Sec. 20. The jury empaneled in any case as herein provided, shall determine any and all questions of fact in such cases, but it shall be the duty of the justice hearing such case to decide all questions of law arising therein, and it shall also be

Jury to decide questions of fact.

Justice to decide questions of law.

the duty of the said justice to instruct the jury as to the questions of law applicable to the case.

Justice may set aside verdict and grant new trial.

(§ 816.) Sec. 21. The justice before whom any cause has been tried and verdict or judgment rendered, shall have the same power and authority to set aside the verdict or judgment, and grant a new trial therein upon legal cause shown therefor, as the circuit courts of the State possess: Provided, That a motion in writing be made and filed with the clerk of said justices' courts within five days after the rendition of the verdict or judgment in said case. Said motion shall briefly and plainly set forth the reasons and grounds upon which it is made. Affidavits upon which the motion is founded shall also be filed at the time of filing of said motion, and notice of the hearing of such motion, with copy of the motion and affidavits filed as aforesaid, shall be served upon the adverse party or his attorney at least two days before the hearing thereof. Such motion shall be determined within two days after the same shall have been heard and submitted, and such motion shall be submitted within one week after the same shall have been filed. The time for taking an appeal from judgment, in case such motion be not granted, shall begin to run from the time when such motion shall be overruled. In no case shall the pendency of such motion stay the issuing and levy of an execution in such case; but in case of a levy under execution pending such motion, no sale of the property so levied on shall be advertised or made until the final determination of such motion.

Motion to set aside must be in writing.

What motion shall show.

Affidavits to accompany motion.

Service of copy of motion.

When motion shall be determined.

Time for taking appeal

Pendency of motion shall not stay execution.

Cases in which appeal may be taken.

(§ 817.) Sec. 22. No appeal shall be taken from any judgment of any justice of the peace in said City of Detroit, except in the following cases:

First, When said justice shall disallow any claim in favor of any plaintiff or defendant in any cause in said justices' courts, in whole or in part, to the amount of fifty dollars; When justice shall disallow claim to amount of fifty dollars.

Second, When said justice shall render a judgment to the amount of fifty dollars exclusive of costs; in either of which cases, the party aggrieved may appeal; When judgment shall amount to fifty dollars.

Third, Appeals may be authorized by the circuit court of the County of Wayne, when the party making the appeal has been prevented from making a defense upon the merits of the case in which such appeal is taken by circumstances not under his control; and such appeal may also be authorized when justice requires that such appeal should be authorized, and in all cases where the parties against whom such appeal is sought has appeared in said justices' courts by an attorney or agent, it will be sufficient to serve such attorney or agent with the notices of all subsequent proceedings in such case and all orders made therein by said circuit court may be served on said attorney or agent, and such service shall have the same effect as though made on the party against whom such appeal is taken; When appeal may be authorized by circuit court.

Fourth, Under absolutely no circumstances shall any appeal be allowed or authorized after five days from the rendition of judgment, except as herein otherwise provided. No appeal allowed after five days.

(§ 818.) Sec. 23. Before any affidavit for appeal, or writ of certiorari, shall be served on any one of said justices, in addition to the fees allowed by law for making returns to an appeal or certiorari, the entry fee for filing the same in the circuit court shall be paid to the said clerk by the appellant, or plaintiff in error, and the said clerk shall as early as possible file a return to such appeal or writ of certiorari, in the office of the clerk of Entry fee upon appeal or writ of certiorari

Clerk shall file returns.

Clerk may be compelled to make returns.

the circuit court for Wayne County, and shall pay over to him the fees so advanced as aforesaid, and if said return is not filed with the clerk of the circuit court within ten days after the appeal costs or costs on certiorari shall have been paid, a writ of mandamus may issue to the clerk of the justices' courts, compelling him to make such return forthwith, and he shall be personally liable for the costs if any shall be awarded in such proceeding.

Fees shall be for use of county.

(§ 819.) Sec. 24. The money paid to the said clerk of the justices' courts upon commencement of suit, for trial fees, jury fees, and fees for making returns to appeal or writ of certiorari and entry fee for filing same, shall be for the use of the county, and shall be held to be in full for all fees in civil actions from the commencement thereof to and including the issuing of execution therein. The sum or sums so paid, including the jury fees, shall be taxed as costs of suit in favor of the party paying the same, if he be the prevailing party in the suit, in addition to any other costs to which he may be entitled by law. In criminal cases the same costs shall be paid, and in the same manner as in proceedings before justices of the peace in townships, except that the same shall be paid to the said clerk as in civil cases is provided.

Taxation of costs.

Costs in in criminal cases.

Party may deposit legal tender funds in lieu of bond

(§ 820.) Sec. 25. In all cases when a party is required or allowed by law to give a bond, as a condition of commencing or prosecuting any suit, action or proceeding in said justices' courts, such party may execute and file such bond, or he may in the discretion of the court deposit with the clerk thereof the amount of the bond required in legal tender funds of the United States. And in garnishment proceedings, the principal defendant may have any money or effects released which have been garnisheed,

Money or effects in garnishment may be released by filing bond.

by filing with the justice before whom the case is pending a surety company bond, approved by said justice, in double the amount of the plaintiff's claim stated in his affidavit, and not less than fifty dollars, or deposit with the clerk of the court an amount equal to such a bond, which money shall remain with said clerk until disposed of by the court according to law. A certificate of such deposit, setting forth the case in which, the amount thereof, the person by whom, the purpose for which, and the time when deposited, shall be given to the party depositing the same by the clerk of said court. Upon the final disposition of the case, action or proceeding in which such deposit was made, in case the party making such deposit shall be adjudged liable to pay the costs of such suit or proceedings, or to pay any other sum to secure the payment of which said deposit was made, then such fund so deposited shall under the direction of the court be applied in payment and satisfaction of the same. Should any surplus remain after satisfying such order of the court, the same shall be returned to the party depositing the same.

Amount of such bond.

Certificate of deposit.

Application of fund upon final disposition of case.

Surplus.

(§ 821.) Sec. 26. The justices of the peace mentioned herein shall have the power to make and adopt such rules of practice in said justices' courts as to them may be deemed advisable for the purpose of facilitating the business of said courts.

Rules of practice.

(§ 822.) Sec. 27. In case a vacancy shall at any time occur in the office of the justice of the peace of the City of Detroit, by death, resignation, removal or other cause, it shall be the duty of the common council of the City of Detroit to fill such vacancy by appointment of some suitable person, who shall upon duly qualifying therefor fill such vacancy until the next general elec-

Common Council shall fill vacancy.

tion, when a justice of the peace shall be elected to fill the unexpired term of said office.

Qualification of justices.

(§ 823.) Sec. 28. None but attorneys at law of four years' standing shall be eligible to be elected or appointed to the office of the justice of the peace under the provisions of this act. And no justice of the peace for said city shall during his term of office act as attorney or solicitor in any court in the County of Wayne.

Repeal of prior acts.

(§ 824.) Sec. 29. Act number four hundred and twenty-six of the local acts of nineteen hundred and one, being an act entitled "An act to establish and provide justices' courts in the City of Detroit, and to repeal act number four hundred and sixty of the local acts of eighteen hundred and ninety-five, entitled 'An act to establish and provide justices' courts in the City of Detroit,' and to repeal act number two hundred and eighty of the local acts of eighteen hundred and eighty-three ,entitled 'An act relative to justices' courts in the City of Detroit,' approved April twenty-fifth, eighteen hundred and eighty-three, and all acts amendatory thereof," approved June first, eighteen hundred and ninety-five, and all acts amendatory thereof, approved May thirteenth, nineteen hundred and one, and all other acts or parts of acts contravening the provisions of this act, shall be and the same are hereby repealed.

This act is ordered to take immediate effect.

Approved May 20, 1903.

ACT RELATING TO THE JURISDICTION OF JUSTICES OF THE PEACE IN WAYNE COUNTY.

An Act to amend section five of chapter one hundred and seventy-eight of the compiled laws of eighteen hundred and seventy-entitled, "An act to amend chapter ninety-three of the revised statutes of eighteen hundred and forty-six, entitled, 'Of courts held by justices of the peace,'" the same being section six thousand eight hundred and eighteen, of Howell's Annotated Statutes.

(§ 825.) Section 1. *The People of the State of Michigan enact*, That section five of chapter one hundred and seventy-eight of the compiled laws of eighteen hundred and seventy-one, entitled, "An act to amend chapter ninety-three of the revised statutes of eighteen hundred and forty-six, entitled, 'Of courts held by justices of the peace,'" the same being six thousand eight hundred and eighteen of Howell's Annotated Statutes, be and the same is hereby amended so as to read as follows:

(§ 826.) Sec. 5. Every action commenced in such court shall be brought before some justice of the peace of the city or township where:

First—The plaintiffs or any of them reside; or,

Second—Where the defendants or any of them reside; or,

Third—Before some justice of another township or city, in the same county, next adjoining the residence of the plaintiff or defendants: *Provided, however*, That no justice of the peace of any of the townships in the county of Wayne shall have jurisdiction over any cause or proceeding, where both parties to the same

or one or more of the plaintiffs and one or more of the defendants reside in the city of Detroit at the time of the commencement of the proceeding or cause, nor in case where the original action existed in favor of a plaintiff and against a defendant, both residents of said city, and has been assigned to a non-resident of said city; or,

Fourth—Before some justice of a city in the same county, formed from a township, or townships, next adjoining the residence of the plaintiff, or defendant, or one of the plaintiffs or defendants: *Provided*, That nothing herein contained shall change or limit the jurisdiction of a justice of the peace where the same has been prescribed by the charter of an incorporated city.

Approved May 27th, 1885.

CHAPTER XXVI.

REGISTRATION OF BIRTHS AND DEATHS.

An Act to provide for the registration of births, marriages and deaths. (Act No. 194, Laws of 1867.) (Section 1, Chapter 114, Compiled Laws of 1897.)

(§ 827.) Section 1. *The People of the State of Michigan enact*, That it shall be the duty of the supervisor of each township, and the supervisor or assessor of any city or ward therein in this state, between the tenth day of April and the first day of June, in the year eighteen hundred and sixty-nine, to ascertain by actual inquiry, or otherwise, of the inhabitants thereof, the births and deaths which have occurred in their respective townships, cities or wards, from and including April fifth, eighteen hundred and sixty-eight, to and including December thirty-first, eighteen hundred and sixty-eight, together with the facts relative thereto, as are hereinafter provided for, and shall make an accurate return thereof to the clerk of the county in which said township or city is situated, on or before the first day of June; and for such service shall receive ten cents for each birth and death so returned by them, to be paid by the county in which such returns are made. In the year eighteen hundred and seventy, and in each and every year thereafter, it shall be the duty

Supervisors and assessors to appoint persons to make registration.

Returns to be made to county clerk.

Time of taking Returns to be for year last preceding.

Statistics; how obtained.

of the officers above mentioned, between the tenth day of April and the first day of June, to ascertain by actual inquiry, or otherwise, of the inhabitants thereof, the births and deaths which have occurred in their respective townships, cities or wards during the year ending on the last day of the preceding December,

Compensation.

and shall make the return and receive therefor the compensation

Proviso relative to the city of Detroit.

above provided for: *Provided*, That in the city of Detroit the duties required by this act to be performed by supervisors and assessors shall be performed by persons appointed by the common council for that purpose; and it shall be the duty of the

Common council to appoint persons to act in the city of Detroit.

common council, on or before the tenth day of April in each year, to appoint such number of persons in each ward of said city as shall be necessary to perform said duties within the time limited by this act; and such persons shall possess all the authority conferred upon, and perform all the duties required of supervisors and assessors by this act, within the territory assigned them, respectively, by the common council, and shall receive such com-

Compensation of persons so appointed.

pensation for their services, not exceeding the sum allowed by this act to supervisors and assessors, as shall be fixed by the common council, to be paid by the county of Wayne, and shall be

How paid.

liable to the same penalties for refusal or neglect to perform any of said duties. (As amended by act 125, Laws of 1869, p. 214.)

CHAPTER XXVII.

PURCHASING FRANCHISES OF PLANK ROAD COMPANIES.

An Act relative to the Detroit & Howell Plank Road Company.

D. & H. Plank Road.

(§ 828.) Section 1. *The People of the State of Michigan enact*, That the city of Detroit is authorized to purchase for the free use of the public, at a valuation to be agreed upon, all the rights of the Detroit & Howell Plank Road Company in any street of said city of Detroit.

City may condemn right-of-way.

(§ 829.) Sec. 2. In case no satisfactory agreement can be made with the directors of said company for said purchase, then the said city of Detroit, by its proper officers, is authorized to condemn for public use all the rights of said plank road company in any street in said city, in the same way in which the lands or property of individuals is condemned for the use of streets under the laws applicable thereto.

This act is ordered to take immediate effect.

Approved May 19, 1881.

CHAPTER 27 PURCHASING FRANCHISES OF PLANK ROAD COMPANIES.

DETROIT & SALINE PLANK ROAD COMPANY—POWER TO PURCHASE OR CONDEMN.

An Act to authorize the city of Detroit to purchase or condemn for the use of the public all the rights of the Detroit & Saline plank road company in any street in said city.

D. & S. Plank Road.

(§ 830.) Section 1. *The People of the State of Michigan enact,* That the city of Detroit is authorized to purchase for the free use of the public, at a valuation to be agreed upon, all the rights of the Detroit & Saline plank road company, in any street of said city of Detroit.

City may condemn right-of-way.

(§ 831.) Sec. 2. In case no satisfactory agreement can be made with the directors of said company for said purchase, then the said city of Detroit, by its proper officers, is authorized and empowered to condemn for public use all the rights of said plank road company in any street in said city, in the same way in which the land or property of individuals is condemned for the use of streets under the laws applicable thereto.

This act is ordered to take immediate effect.

Approved May 31, 1881.

DETROIT & SALINE PLANK ROAD COMPANY.

An Act to repeal an act entitled, "An act to incorporate the Detroit & Saline Plank Road Company," approved March twenty-third, eighteen hundred and forty-eight, and to provide for winding up the affairs of said company.

Repealed.

(§ 832.) Section 1. *The People of the State of Michigan enact,* That an act entitled, "An act to incorporate the Detroit & Saline Plank Road Company," approved March twenty-third,

eighteen hundred and forty-eight, and all acts amendatory thereof, be and the same are hereby repealed.

(§ 833.) Sec. 2. Proceedings to wind up the affairs of said corporation may be instituted in the circuit court for the county of Wayne in the same manner and with the same force and effect as in cases where judgment of forfeiture has been rendered or the corporation has expired by limitation of time.

This act is ordered to take immediate effect.

Approved June 2nd, 1893.

CHAPTER XVIII.

MANUFACTURE AND SALE OF ILLUMINATING GAS.

An Act to authorize the common council of the city of Detroit to manufacture and sell illuminating gas. (Act No. 339, Laws of 1875, approved April 22d, 1875.)

Authority to appoint gas commissioners

(§ 834.) Section 1. *The People of the State of Michigan enact*, That there shall be appointed by the common council of the city of Detroit, on the nomination of the mayor, four freeholders and electors of the city of Detroit, who shall constitute a board to be known and designated as "The board of gas commissioners of the city of Detroit." Such persons shall hold their offices for the term of one, two, three and four years, respectively, from the time of their appointment, which term shall be determined by lot, in the manner prescribed by ordinance for drawing lots. Each succeeding member so appointed by the council shall be nominated in like manner on the second Tuesday before the expiration of the term of office of any member whose term will next expire, and for the term of four years; all vacancies in said board, whether by expiration of term of service or otherwise, shall be filled by the nomination of the mayor, and be confirmed by the common council.

Term of office.

Vacancies.

Title and powers of commissioners

(§ 835.) Sec. 2. That the persons constituting said board when appointed, and their successors in office, shall be known by

the name and style of "The board of gas commissioners of the city of Detroit," and by that name shall have power to contract, sue and be sued, to purchase, hold and convey real and personal estate, to have a common seal, to alter and change the same at pleasure, to make by-laws and ordinances, and do all legal acts which may be necessary and proper to carry into effect the intent and object of this act.

President, and vacancy in office of.

(§ 836.) Sec. 3. The said commissioners shall choose one of their own number as president, who shall hold his office during the term for which he was appointed, and in case of a vacancy occurring in his office, by his removal from the city, or from office, resignation, death or otherwise, the board shall appoint his successor as such president, during the term of such person so appointed. They shall also appoint some suitable and proper person as secretary, who shall hold his office at the pleasure of said board, and employ superintendents, surveyors, engineers, collectors, clerks and others as shall be necessary to enable them to perform the duties of this act; but in no case shall said commissioners receive, directly or indirectly, any compensation for their own services.

Secretary to be appointed.

Also, other officers.

Commissioners to serve gratuitously.

Commissioners may be removed.

(§ 837.) Sec. 4. Any member of said board of commissioners may at any time be removed by a vote of two-thirds of the members-elect of the common council of said city, for sufficient cause, and the proceedings in that behalf shall be entered on their journal: *Provided*, That the said common council shall previously cause a copy of the charges preferred against the commissioner sought to be removed, and notice of the time and place of hearing the same, to be served on him ten days at least previous to the time assigned.

(§ 838.) Sec. 5. No one or more of the said commissioners shall be interested, directly or indirectly, in any contract entered into by them, with any other person; nor shall they be interested, either directly or indirectly, in the purchase of any material to be used or applied in and about the uses and purposes contemplated by this act.

Not to be interested in contracts.

(§ 839.) Sec. 6. It shall be the duty of said commissioners to examine and consider all matters relative to manufacturing and supplying the city of Detroit, for the use of its inhabitants, with a sufficient quantity of illuminating gas, and as soon as the necessary funds shall have been procured as hereinafter provided, to purchase land and materials for, and to construct such works, buildings, machinery, pipes, and fixtures, as shall be deemed necessary for the manufacturing of a full supply of gas for public and private use in said city.

Consider all matters relative to manufacture of gas.

(§ 840.) Sec. 7. Said commissioners shall have power to construct reservoirs, and lay pipes in and through all streets, public places, and alleys of said city, and to fix the price of gas per thousand feet, or in such other quantity or quantities as they may deem necessary, and to make and enforce all necessary by-laws, rules and regulations for the use of, and for the collection and payment of said gas, and for the preservation and use of the property of every kind belonging to said city: *Provided*, That the common council may revoke, alter, change, and abolish any of said rules and regulations, and by resolution or ordinance make others, if necessary, in their place and stead, which shall be binding and be obeyed by said commissioners and all persons whether receiving gas from said city or not. And any such by-laws, regulations, rules, and ordinances, shall be evidence in any

Power to construct works, lay pipes, make rules and regulations.

Rights of common council.

court of justice: *Provided*, That such by-laws and regulations made by said commissioners shall be entered at length of record, in a book kept for that purpose, and signed by the president and secretary.

Surveys and purchase of grounds.

(§ 841.) Sec. 8. The said commissioners, and, under their direction, their agents, servants, and workmen, are hereby authorized to enter upon any land or water for the purpose of making surveys, and to agree with the owner of, and to purchase any property which may be required for the purpose of this act, as to the amount of compensation to be paid to said owner, and to pay the same.

Proceedings in case of disagreement.

(§ 842.) Sec. 9. In case of disagreement between the commissioners and the owner of any property which may be required for the use of said board, or affected by any operation connected therewith, the same proceedings may be taken to acquire the same, either in fee or for the use thereof, then the necessity for taking or using such lands for such purposes, and the damages to be paid thereof, shall be ascertained, and for that purpose the same proceedings had as is provided for in sections eighteen, nineteen and twenty, being amendments approved April 12, 1873, to the act entitled, "An act to amend the laws relative to supplying the city of Detroit with pure and wholesome water," approved April 14, 1853.

May purchase works of any existing company.

(§ 843.) Sec. 10. Said board shall have full power and authority to purchase of any incorporated company, having the right to erect gas works, and supply gas in the city of Detroit, its works, property and rights, and take a conveyance thereof to said board: *Provided*, The consent of the common council shall first be obtained therefor, thereupon the property so pur-

Proviso.

chased shall be held by said board and be subject to all the provisions of this act, and of the rights of the company from whom they were so purchased.

Contracts, agreements or estimates to be presented to common council.

(§ 844.) Sec. 11. Before any contract or agreement shall be made by said board, requiring the expenditure or payment of money, and before any obligation whatever shall be incurred, said board shall make and prepare an estimate to the common council, annually, of the amount immediately needed to purchase land, erect buildings, machinery and works for the purposes aforesaid, and a separate estimate of the amount needed to lay the mains and pipes to said works, to purchase gas works already erected, and for other purposes during the next fiscal year; which estimate, if approved, or so much and such part thereof as shall be approved by the council, shall be submitted to the board of estimates, and the same shall be subject to the action of said board of estimates, the same as other estimates are disposed of; and, if allowed, in whole or part, then such board of estimates shall determine whether the amount shall be raised by taxation or by the issuing of bonds, or by both, and the board of estimates shall determine when said bonds shall be payable, but no bonds shall be issued for the payment of any interest thereon exceeding seven per cent, nor shall the same be sold for less than par.

Board of estimates to approve and decide whether amounts shall be raised by taxation or by bonds.

Commissioners may then issue bonds.

(§ 845.) Sec. 12. The said commissioners shall have power to loan, from time to time, upon the best terms they can make, after giving public notice, by advertising in the city papers for thirty days, a sum of money not exceeding the amount determined by the board of estimates, upon the credit of the city of Detroit, and shall have authority to issue bonds, pledging the faith and credit of said city for the payment of the principal and interest

of said bonds, which bonds shall issue under the seal of said board of commissioners, and shall be signed by the president thereof, the mayor and controller of the city of Detroit, and bearing interest not exceeding seven per cent. per annum. And it shall be the duty of said commissioners and controller to cause to be kept an accurate register of all bonds issued by them, showing the number, date and amount of each bond, and to whom the same was issued.

Interest seven per cent.

Must be registered.

Amounts raised to be deposited with city treasurer.

(§ 846.) Sec. 13. All moneys collected by taxation, and all moneys received from sale of bonds, shall be paid to the treasurer of the city of Detroit, who shall hold the same subject to the order of said board, to be drawn as required for use, and in such manner as the common council shall determine.

Debts limited.

(§ 847.) Sec. 14. No debt shall be created by said board for any purpose, at any time, exceeding the amount allowed by the board of estimates, and for the payment of which bonds have been sold, or assessments made and levied to pay the same.

To be submitted to people at a regular or special election.

(§ 848.) Sec. 15. The question of issuing bonds or raising money by taxation, as provided in this act, shall be first submitted to a vote of the qualified electors at some general or special election when ordered by the common council of said city, and a majority vote shall determine the question.

(§ 849.) Sec. 16. This act shall take immediate effect.

CHAPTER XXIX.

BOARD OF BUILDING INSPECTORS.

An act to establish a board of building inspectors in and for the city of Detroit, and to define its powers and duties.

(Act approved June 17, 1885.)

(§ 850.) Section 1. *The People of the State of Michigan enact*, That there shall be a board of building inspectors in and for the city of Detroit, which shall consist of three competent mechanics or architects, resident electors of the city of Detroit, whose term of office shall be three years, who shall devote their entire time to the duties of their office, and who shall not be engaged or interested directly or indirectly in the building business, and who shall be appointed by the board of councilmen upon the nomination of the mayor. The first board under this act shall consist of Henry Spitzley, whose term of office shall expire on the first day of July, eighteen hundred and eighty-six; Edward W. Simpson, whose term of office shall expire on the first day of July, eighteen hundred and eighty-seven; and Patrick H. McWilliams, whose term of office shall expire on the first day of July, eighteen hundred and eighty-eight, or until their successors are appointed and qualified, and at the expiration of their terms respectively their successors shall be appointed for the full term of three years. Either of said inspectors may be removed for cause by a two-thirds vote of the board of councilmen.

Board, how composed.

Members.

How appointed

Removal of

Officers of.

(§ 851.) Sec. 2. The board of building inspectors shall annually appoint from their own number a president and a secretary. Two members of said board shall constitute a quorum for the transaction of business, and shall have power to adopt such

Rules.

rules and regulations for its own use as it may deem necessary to effect the object of its organization. An office shall be provided

Common council to provide office.

for said board by the common council of said city, in which proper books shall be kept and shall be open to the public, showing a complete and detailed record of all its proceedings.

Buildings to be inspected annually.

(§ 852.) Sec. 3. It shall be the duty of said building inspectors to make, at least once in each year, a thorough examination and inspection of all halls, opera houses, theatres, and buildings for amusement and recreation, school houses, churches, manufactories, work shops, stores, blocks for offices, hotels, boarding houses, tenement buildings, stands, platforms, freight or passenger elevators, and buildings or structures of every kind in the city of Detroit, used or intended to be used or occupied by public gatherings of people, with reference to the safety of such building and structure for the purpose for which designated, and for the speedy and safe egress of the persons therein and thereon assembled, in case of sudden alarm or danger. In addition to such regular inspection of said buildings and structures, it shall also

Inspection to be made upon complaint.

be the duty of said inspectors to promptly inspect any building or structure of whatever character when a complaint is made or it comes to their knowledge that said building or structure is unsafe.

Balconies.

(§ 853.) Sec. 4. All buildings mentioned in the preceding section, more than two stories high, shall be provided with a sufficient number of strong iron balconies at each story, level

with the floors, with openings from the buildings thereto, and with strong iron ladders or stairs firmly attached to the side of such building, close to, and easily accessible, from each balcony, or with other suitable fire escape, to be approved by said inspectors. In any store or building in the city of Detroit in which there shall exist or be placed any hoistway, elevator or well-hole, the openings thereof through and upon each floor of said building shall be provided with and protected by a substantial railing, and also with good and sufficient trap doors, opening and closing automatically as the elevator passes from floor to floor; *Provided, however*, That such hoistway, elevator, or well-hole may be enclosed in brick or by substantial woodwork, furred, lathed and plastered, or sheathed with corrugated iron. All exit doors and all doors leading from assembly rooms to halls and passage-ways to the exterior of public halls, theatres, churches, and buildings used for public assemblages of any kind, shall swing outward, and it shall be unlawful for any person to place chairs, benches, or seats in the aisles or passageways in such buildings while occupied or in use for any public assemblage or entertainment.

Fire escapes

Elevators to be provided with guards or enclosed

Exit doors to swing outward

Seats in aisles prohibited.

(§ 854.) Sec. 5. Whenever the said inspectors shall approve of any building or structure above mentioned, they shall so certify in writing, and deliver such certificate to the owner or person in charge of such building or structure. Such certificate shall state for what period of time and purpose and to what extent such building or structure is approved.

Certificate of approval.

(§ 855.) Sec. 6. No owner, occupant, lessee, manager, officer or person, having the control of any building or structure mentioned in section three of this act shall use or permit or suffer the same to be used or occupied for any of the purposes in

Buildings not to be used without certificate therefor.

said section designated without having first obtained the certificate mentioned in the preceding section, or shall use, or permit such use thereof, after the expiration of the time for which such certificate was given, or shall make any alterations, additions or changes in the interior of such buildings or structures after the granting of such certificate without the written consent of said inspectors.

Dangerous buildings to be torn down.

(§ 856.) Sec. 7. Any building or buildings, part or parts of a building, staging, or other structure in the city of Detroit, that, from any cause, may now be, or shall at any time become hereafter dangerous or unsafe, shall be taken down and removed, or made safe and secure in the manner following: Immediately upon such unsafe or dangerous building, or buildings, or part reports of a building, staging or structure, being so reported by any of the inspectors, the same shall be immediately entered upon a docket of unsafe buildings, to be kept by said inspectors, and the owner or some of the owners, executors, administrators, agents, lessees, or any other person or persons who may have a vested or contingent interest in the same, shall be served in the order named with a printed or written notice containing a description of the premises or structure deemed unsafe or dangerous, requiring the same to be made safe and secure, or removed, as the same may be deemed necessary by the said inspectors, which said notice shall require the person thus served to immediately certify to the inspector his or their assent or refusal to secure or remove the same. If the person or persons so served with notice shall immediately certify his or their assent to the securing or removal of said unsafe or dangerous building, premises, or structure, he or they shall be allowed until twelve o'clock noon of the day following the service

Notice to owner.

of said notice, in which to commence the securing or removal of the same; and he or they shall employ sufficient labor and assistance to secure or remove the same as expeditiously as the same can be done; but upon his or their refusal or neglect to comply with any of the requirements of said notice so served, then a further notice shall be served upon the person or persons heretofore named, and in the manner heretofore prescribed, notifying him or them that a survey of the premises named in the said notice will be made at the time and place therein named, which time may not be less than twenty-four hours or more than three days from the time of the service of said notice, by three competent persons, to consist of the president of the board of inspectors, the president of the board of public works, and a third person who shall be appointed by the person or persons thus notified, upon whose neglect or refusal to appoint such surveyor, however, the said other surveyors may make such survey, and in case of a disagreement shall appoint a third person to take part in such survey, who shall be either a practical builder or architect, whose decision shall be final. In case such building shall be found to be unsafe, the city attorney shall apply to the superior court for an order directing that such building shall be taken down or made safe, and the clerk of said court shall issue a citation to the owners, agents, or persons thus served, to appear and show cause why such order should not be granted by said court.

When to remove.

Survey of premises.

City Attorney to apply to Superior Court for order.

(857) Sec. 8. To enable said inspectors to fully discharge their duties they are authorized to enter into and upon any building or structure of the nature herein mentioned, and no person shall hinder, impede or obstruct the said inspectors in the performance of any duty hereby imposed.

Board may enter upon premises.

Board to inspect during erection of buildings.

(§ 858) Sec. 9. Whenever any person or corporation shall commence the erection of any building, or additions to any building already erected, to be used for any of the purposes mentioned in section three hereof, the said building inspectors may examine such building or additions, from time to time as they may deem fit, and in case any such building is being erected contrary to the provisions of any city ordinance regulating buildings, or in such manner or of such material as to render the said building defective and insufficient in strength or safety, the said inspectors may notify the owners and builders thereof, and may refuse to said owners their certificate as provided for in section five until such defects shall have been properly made good or remedied. If said owner or owners are dissatisfied with the decision of the said inspectors, said owner or owners may appeal to the board provided for in section seven, who shall hear and decide the controversy, and whose decision shall be final.

Defective material

Appeal from board.

Board to report.

(§ 859) Sec. 10. The said board of building inspectors shall report in detail to the board of aldermen at the end of each month the work performed by them and all information with reference thereto, and shall submit to the said board in December of each year a summary of their work of the preceding year.

Salary of board.

(§ 860) Sec. 11. The members of said board of building inspectors shall be paid such salary for their services under this act as the common council of the city of Detroit shall determine, but not to exceed twelve hundred dollars per annum, such salary to be paid out of a fund to be constituted and raised for that purpose. All the services of said board of building inspectors as herein designated shall be without costs, fees or charge to the owner or persons controlling the building or structure inspected by them.

No fees to be charged.

(§ 861.) Sec. 12. Any and all persons who, after having been personally served with the notice of violation as hereinbefore prescribed, shall fail to comply therewith, and shall continue to violate any of the several provisions of this act, or who shall be accessory thereto, shall be deemed guilty of a misdemeanor, and upon conviction of such offense shall be fined in a sum not exceeding one hundred dollars, or may be imprisoned for a term not to exceed ninety days. For each and every month in which any of the provisions of this act continue to be violated, the person or persons so violating may be complained of as for a distinct offense, and punished as herein provided.

Violations how punished.

Continuance of violation a new offense.

(§ 862) Sec. 13. All acts and parts of acts in conflict with the provisions of this act are hereby repealed.

Repeal of conflicting acts.

Ordered to take immediate effect.

Approved June 17, 1885.

EMPLOYMENT OF CHILDREN, YOUNG PERSONS AND WOMEN.

An Act to amend section seven of act number thirty-nine of the public acts of one thousand eight hundred and eighty-five, entitled "An act to regulate the employment of children, young persons, and women in certain cases," approved April ten, one thousand eight hundred and eighty-five.

(§ 863) Section 1. *The People of the State of Michigan enact*, That section seven of act number thirty-nine of the public acts of one thousand eight hundred and eighty-five, entitled "An act to regulate the employment of children, young persons and women in certain cases," approved April ten, one thousand eight hundred and eighty-five, be and the same is hereby amended to read as follows:

Section amended.

Duty of Superintendent or chief of police to enforce act.

(§ 864) Sec. 7. In all cases it shall be the duty of the superintendent or chief officer of police, by suitable inspections, to see that the regulations of this act are observed, and also to prosecute all persons who shall violate the same. Such superintendent, or chief officer of police, shall detail such portion of the force under him as he shall deem necessary for the inspection, from time to time, of all the aforesaid places where such children or young persons may be employed: *Provided*, That, in the city of Detroit, the board of building inspectors of said city, or any members thereof, shall have concurrent jurisdiction with the superintendent or chief officer of police, with like power and authority to personally see that the regulations of this act are observed, and also to enter complaint against all persons who shall violate the same. In towns, the supervisor thereof shall perform the duties above imposed on the superintendent, or chief officer of police in cities.

Proviso for City of Detroit.

Supervisor to enforce same in towns.

This act is ordered to take immediate effect.

Approved March 19, 1889.

AN ACT

Relative to the Construction of Buildings in the City of Detroit.

The people of the State of Michigan enact:

Permit must be obtained before erecting or altering building.

(§ 865) Section 1. Before proceeding with the erection, enlargement or alteration of any public building, hall, opera house, theater or any building for amusement or recreation, schoolhouse, church and any building of more than three stories in height, in the city of Detroit, a permit for such erection, enlargement or alteration shall first be obtained by the owner or his agent from the city engineer of the city of Detroit, and it shall be unlawful

to proceed with the erection, enlargement or alteration of any such building or of any structural part thereof unless such permit shall first have been obtained from the city engineer.

(§ 866) Sec. 2. No permit for the erection, enlargement or alteration of any building mentioned in section one of this act shall be given by the city engineer unless true copies of the plans and specifications therefor shall have been filed in the office of said city engineer; said plans and specifications shall remain on file in his office until the completion and occupation of said building, after which said drawings and specifications shall be returned by the city engineer to the parties by whom they have been deposited with him. It shall not be obligatory upon the city engineer to retain such drawings in his custody for more than three months after the completion or occupation of any building. All such plans and drawings shall be drawn to a scale of not less than one-eighth of an inch to the foot on paper or cloth, in ink, or by some process that will not fade or obliterate. All distances and dimensions must be accurately figured, and drawings made explicit and complete, showing the entire sewerage and drain pipes and location of all plumbing within such building. Each set of plans presented for permit must be accompanied by a set of specifications describing all materials to be used in the proposed building.

Copies of plans must be filed with City Engineer.

How plans must be prepared.

(§ 867) Sec. 3. It shall be unlawful to erase, alter or modify any lines, figures or coloring contained upon such drawings, or specifications filed as aforesaid. If, during the progress of the execution of such work, it is desired to deviate in any manner affecting the construction or other essential of the building from the terms of the application, drawing or specification, notice of

Alterations.

such intention to alter or deviate shall be given in writing to the city engineer and his written assent must be obtained before such alteration or deviation may be made. Alterations in buildings which do not involve any change in their structural parts or of their stairways, elevators, fire-escapes or other means of communication of ingress or egress may be made without the permission of the city engineer. The notice of intention to alter or deviate shall be filed with the plans and specifications and treated as a part thereof.

Duty of City Engineer before issuing permit.

(§ 868) Sec. 4. Before giving any permit, the city engineer shall accurately compute, figure and determine the strength of materials to be used in the building and the loads they are to carry, including snow loads and live loads and the strains to which such building is likely to be subjected by wind and storms and he shall satisfy himself of the strength and safety of such building for the purpose intended, and he shall certify in his permit to the safe load for each floor, gallery and roof to or in said building, which permit shall be in duplicate, one issued to the owner or agent of said structure and the other retained and filed in the office of the city engineer.

Unlawful to overload floor, etc

(§ 869) Sec. 5. It shall be unlawful for any owner, tenant, occupant, manager or lessee of any building or any agent thereof to suffer or permit any loads or weights upon any floor, gallery or roof of any building in excess of the safe load as stated in the permit.

Fee for permit.

(§ 870) Sec. 6. Each applicant for a building permit under this act shall pay the city engineer the sum of ten dollars if the estimated cost of said building or alteration shall be less than five thousand dollars, and for every additional one thousand dollars over five thousand dollars the further sum of one dollar.

(§ 871) Sec. 7. The violation of any of the provisions of this act shall constitute a misdemeanor punishable by a fine not to exceed one hundred dollars or by imprisonment in the county jail not more than ninety days or by both such fine and imprisonment, in the discretion of the court. Penalty.

(§ 872) Sec. 8. All acts or parts of acts conflicting with the provisions of this act are hereby repealed. Repealed.

This act is ordered to take immediate effect.

Approved May 25, 1899.

CHAPTER XXX.

TAKING PRIVATE PROPERTY FOR PUBLIC USE.

An act to authorize the City of Detroit to take private property for the use and benefit of the public.

The People of the State of Michigan enact:

Private property may be taken for the use and benefit of the public.

(§ 873) Section 1. The common council of the city of Detroit is hereby authorized to take private property for the use and benefit of the public within the limitation of the state constitution, and to institute and prosecute proceedings for that purpose, and all such proceedings on the part of the city of Detroit shall be held and prosecuted under the provisions of this act and no other: *Provided*, That this act shall not apply to cases where petitions have already been filed in the recorder's court under the provisions of act number one hundred twenty-four of the public acts of eighteen hundred eighty-three, as amended March twenty-ninth, eighteen hundred eighty-seven, July third, eighteen hundred eighty-nine and June first, eighteen hundred ninety-five.

This act not applicable to cases already commenced.

When proceedings may be commenced.

(§ 874.) Sec. 2. Such proceedings may be commenced and prosecuted under this act whenever the common council shall have declared a public improvement to be necessary in the municipality, and shall declare that they deem it necessary to take private property, describing it, for such public improvement, designating it, and that improvement is for the use or benefit of

Common Council shall direct Corporation Council to institute proceedings.

the public. They shall, by resolution, direct the corporation counsel to institute the necessary proceedings in behalf of the municipality in the recorder's court of said city, to carry out the object of the resolution in regard to taking private property for the city. Before the institution of such proceedings, the common council shall, if it be their intention to assess any part of the damages awarded in such proceedings upon a special or local district, declare by resolution such purpose and fix such district, embracing only such real estate as in their opinion will be specially benefited by the improvement and they shall describe such district with reasonable certainty by well known boundaries, so that all persons owning real estate in such district may readily ascertain the facts.

Duty of Common Council as to special or local district.

District to be described by well known boundaries.

Certified copy of resolution to be delivered to Corporation Council.

(§ 875) Sec. 3. The city clerk shall make and deliver to the corporation council as soon as may be, a copy of such resolution, certified under seal and it shall be the duty of such attorney to prepare and file in the name of the city, in the court having jurisdiction of the proceedings, a petition signed by him in his official character and duly verified by him; to which petition a certified copy of the resolution of the common council shall be annexed, which certified copy shall be prima facie evidence of the action taken by the common council and of the passage of said resolutions. The petition shall state, among other things, that it is made and filed as commencement of judicial proceedings by the municipality in pursuance of this act to acquire the right to take private property for the use or benefit of the public, without consent of the owners, for a public improvement, designating it, for a just compensation to be made. A description of the property to be taken shall be given, and generally the nature and extent of the use thereof that will be required in making and

Corporation Council shall file petition.

What petition shall contain.

Description of property shall be given.

maintaining the improvement shall be stated, and also the names of the owners and others interested in the property, so far as can be ascertained, including those in possession of the premises. The petition shall also state that the common council has declared such improvement to be necessary, and that they deem it necessary to take the private property described in that behalf for such improvement for the use or benefit of the public. The petition shall ask that a jury be summoned and empanelled to ascertain and determine whether it is necessary to make such public improvement, whether it is necessary to take such property as it is proposed to take, for the use or benefit of the public, and to ascertain and determine the just compensation to be made therefor. The petition may state any other pertinent matter or things, and may pray for any other or further relief to which the municipality may be entitled within the objects of this act.

Shall ask that jury be summoned.

(§ 876.) Sec. 4. Upon receiving such petition, it shall be the duty of the clerk of said court, to issue a summons against the respondents named in such petition, stating briefly the object of said petition, and commanding them in the name of the people of the State of Michigan to appear before said court, at a time and place to be named in said summons, not less than twenty nor more than forty days from the date of the same, and show cause, if any they have, why the prayer of said petition should not be granted. Such clerk shall also cause to be published in at least one newspaper published in the municipality, a conspicuous notice addressed to all owners of real estate within the assessment district (and which owners shall be designated in this act as the taxpayers) describing such district, and warning and notifying such owners of said proceedings pending in said court, and stating the return day of such summons, and that

Duty of clerk of court to issue summons against respondents.

Clerk shall also publish notice.

Contents of notice

such owners or taxpayers are at liberty to appear in said proceedings and defend. And all or any of such owners are hereby authorized to make themselves parties to said proceedings by appearing in person or by attorney at any time before the trial herein provided for, and such as appear shall have all the rights of parties respondents at all stages of the proceedings, including the right to move for a new trial and take appeals; but the rights of those who do not appear shall not be held abridged or impaired by such proceedings any further than would be the case if the right to appear did not exist.

Owners may appear in person or by attorney.

Rights of owners.

Rights of those who do not appear.

(§ 877.) Sec. 5. Said summons shall be served by the sheriff, deputy sheriff, under sheriff of the county, or by any member of the metropolitan police of the City of Detroit, at least five days before the return day thereof, upon all the respondents found within the County of Wayne, by exhibiting the original and delivering a copy to each of them. If any respondent who is a resident of the county cannot be found, the summons shall be served by leaving a copy thereof at his or her usual or last place of abode, with some person of suitable age and discretion. If any minor or person of unsound mind is interested in the premises to be taken, service may be made on the guardian of such person, if any, and if there be no guardian, the court may appoint some discreet and proper person to be guardian of such person in such proceedings; any such guardian shall have authority to represent such person in said proceedings. The proceedings to appoint such guardian shall be the same as in other cases provided by statute. If it shall appear on the return day of the summons that any respondent cannot be found within the county and has not been served in the manner provided, or is a nonresident, and has not voluntarily appeared, the court may

Service of summons.

Service when respondent cannot be found.

Minor or person of unsound mind.

Court may appoint guardian

Court may make order requiring appearance.

make an order requiring such respondent or respondents to appear and show cause why the prayer of the petition should not be granted on a day to be named in the order, not less than thirty days from the date thereof, and may require that a certified copy of such order be personally served on such respondents wherever found, if practicable, at least six days before the time named in the order for appearance, or the court may make such order for appearance, and require as to any or all such respondents who shall not have been personally served and have not appeared, that service be made by publishing a copy of such order for three successive weeks, at least once in each week, in at least one newspaper published within the municipality, the last publication to be at least six days before the day fixed in the order for appearance. Alias and pluries summons may be issued, and the court may adjourn the proceedings from time to time as there shall be occasion and as in other civil cases. Service of such order for appearance in either mode prescribed shall be sufficient notice of the proceedings to bind the respondents and the property represented by them. The return of the officer upon the summons and an affidavit of the due service or the publication of the order for appearance, if any, shall be filed in the clerk's office before a jury shall be empaneled, and be sufficient evidence of service on the respondents and of the manner of service. And such officer shall, at least five days before the return day of the summons, also post up in at least four conspicuous places, within the assessment district, printed notices (which shall be supplied by the clerk of said court) to the owners or taxpayers, similar to that provided in section four above, and which notices shall be printed on sheets at least fifteen by twenty inches in size and in large type. Copies of said notice

May require order to be personally served.

Service by publication.

Alias and pluries summons.

Sufficiency of notice

Return of officers shall be filed.

Officer shall post conspicuous notice

Copies of such notice to be served upon at least three taxpayers.

shall be served personally by such officer upon at least three of such taxpayers, if to be found within the county, at least five days before the return day of the summons.

Proceedings on the return day.

(§ 878.) Sec. 6. On the return day of the summons, or on some subsequent day to which the proceedings are adjourned, if no sufficient cause to the contrary has been shown, the court shall

Jury, how empanelled.

make an order that a jury be empaneled in the cause. Such jury shall be composed of twelve freeholders of the municipality, and shall be elected and empaneled as follows: The sheriff, under sheriff, or a deputy sheriff of the county shall, on the same day, or at an adjourned day, make a list of twenty-four resident freeholders of said city, and the corporation counsel in person or by an assistant or deputy, and the respondents and taxpayers

Each side shall have right to strike six names from list.

colectively, shall each have the right to strike six names from the list of persons written down as aforesaid, and subject to objection for cause and peremptory challenges, the twelve persons whose names are left on the list shall compose the jury for the trial of the cause, and shall be summoned to attend at such time as the court shall direct by venire issued by the clerk of the court, and to be served by one of the officers aforesaid. If the respondents neglect or refuse to strike six names from said list,

Judge may strike names from list.

it shall be done by the judge of the court, and in case any of the persons to be summoned cannot be found in the county, or being summoned do not attend, or shall be excused for cause, or otherwise, talesmen possessing the necessary qualifications may be

Talesmen may be summoned.

summoned as jurors in the case, by such sheriff or sheriff's officer, or authorized person, and the practice and proceedings

Practice same as in civil cases.

under this act, except as herein provided, relative to empaneling, summoning and excusing jurors and talesmen, and imposing penalties or fines upon them for non-attendance, shall be the

same as the practice and proceedings of the circuit court of the State relative to petit jurors in civil cases in such courts. No person shall be qualified to act as juror under this act who shall have served as a juror in any court of record in said county within two years next preceding the time of empaneling such jury. The city on one side and the respondents and taxpayers on the other shall have the right to challenge peremptorily three persons called to serve as jurors in each such proceeding; in the discretion of the judge of said court the number of peremptory challenges may be increased to not exceeding six on each side.

Previous service within two years as juror disqualifies.

Right of peremptory challenge.

(§ 879.) Sec. 7. The jurors so empaneled shall be sworn or shall affirm in substance as follows: "You do solemnly swear (or affirm) that you will well and truly ascertain and determine whether there is a public necessity for making the proposed improvement and for taking for the use or benefit of the public the private property which the petition describes and prays may be taken, and if you shall determine that it is necessary to make such improvements and to take said property, that then you ascertain, determine and award a just compensation to be made therefor, and faithfully and impartially discharge all other duties as devolve upon you in this case, and unless discharged by the court a true verdict give according to law and the evidence, so help you God (or under the pains and penalties of perjury)." The jury shall hear the proofs and allegations of the parties, and if so ordered by the court shall go to the place of the intended improvement, in charge of an officer, and upon or as near as practicable to any property proposed to be taken, and examine the premises. They shall be instructed as to their duties and the law of the case by the judge of the court, and shall retire under charge of an officer, and render their verdict in the same

Jurors shall swear or affirm

Jurors shall hear proofs and allegations

May visit place of intended improvement.

Manner and form of verdict

manner as on the trial of an ordinary civil case, but the same shall be in writing, and shall be signed by the foreman of or by all the jurors.

Jury shall determine necessity for proposed improvement.

(§ 880.) Sec. 8. The jury shall determine in their verdict the necessity for the proposed improvement and for taking such private property for the use or benefit of the public for the proposed improvement, and in case they find such necessity exists,

Jury shall award compensation.

they shall award to the owners of such property and others interested therein such compensation therefor as they shall deem just.

Property subject to lien.

If any such private property shall be subject to a mortgage, lease, agreement or other lien, estate or interest, they shall apportion an award to the parties in interest such portion of the compensation as they shall deem just.

Court may allow jury to have petition and map.

(§ 881.) Sec. 9. To assist the jury in arriving at their verdict, the court may allow the jury when they retire to take with them the petition filed in the case and a map showing the location of the proposed improvement, and of each and all of the

May also have blank verdict.

parcels of the property to be taken, and may also submit to them a blank verdict which may be as follows:

PART I.

Blank verdict.

We find that is.....necessary to take the private property described in the petition in this cause for the use and (or) benefit of the public for the proposed public improvement.

PART II.

The just compensation to be paid for such private property we have ascertained and determined and hereby award as follows:

Description of each of the several parcels of private property to be taken.	Owners, Occupants and others interested in each parcel.	Compensation.	To whom payable.

The different descriptions of the property and the names of the occupants, owners and others interested therein may be inserted in said blank verdict, under the direction of the court, before it is submitted to the jury, or it may be done by the jury.

Verdict may be set aside and new trial ordered.

(§ 882.) Sec. 10. The verdict of the jury may be set aside by the court and a new trial ordered as in civil suits at law in the circuit courts of this State. Amendments either in form or substance may be allowed in any paper, petition, process, record or proceedings, or in the description of the property proposed to be taken, or the name of any person, whether contained in the resolution passed by the common council or otherwise, whenever the amendment will not interfere with the substantial rights of the parties. Any such amendment may be made after, as well as before, judgment confirming the verdict of the jury.

Amendments may be allowed.

Motions for a new trial.

(§ 883.) Sec. 11. Motions for a new trial or to arrest the proceedings shall be made within two days after the renditon of the verdict, unless further time is allowed by the court; and if no such motion is made, or, being made, is overruled, the

court shall enter an order or judgment confirming the verdict of the jury; and such judgment or confirmation, unless reversed by the supreme court, shall be final and conclusive as to all persons interested therein.

Judgment final unless reversed.

The right of appeal.

(§ 884.) Sec. 12. Any person whose property may be taken (and any such taxpayer, party to the proceedings under this act), considering himself aggrieved, may appeal from the judgment of the court confirming the verdict of the jury, by filing in writing, with the clerk of said court, a notice of such appeal within five days after the confirmation, and within the same time serving a copy thereof on the corporation counsel and filing a bond in said court, to be approved by the judge thereof, conditioned for the prosecution of said appeal to judgment, and the payment of all costs, damages and expenses that may be awarded against him in case the judgment or confirmation shall be affirmed. Such appeal shall be perfected within the same time and prosecuted as an appeal in chancery, as near as may be, subject to the provisions of this act.

How taken.

Practice on appeal.

(§ 885.) Sec. 13. In case of such an appeal, the clerk of the court, on payment of his legal fee and charges, shall transmit to the supreme court a certified copy of the necessary files, records and proceedings in the case, and the judge of the court shall, at the request of the appellant, settle a case according to the usual practice of said court, showing the material evidence and instructions given to the jury, bearing upon any disputed points to which exception was taken, and the objections, rulings and exceptions in the case, all of which shall be returned by said clerk as part of the records to the clerk of the supreme court.

When appeal may be heard.

(§ 886.) Sec. 14. The said appeal may be brought on for hearing at any term of the supreme court, and the said court may

affirm, or, for any substantial error, reverse the judgment, and may grant a new trial. The said court shall allow the prevailing party his reasonable costs and expenses to be taxed, and give judgment as in other chancery appeals, and all costs, damages and expenses awarded to the city, if it so elect, may be applied on or deducted from the compensation, if any, to be paid, or execution may issue on the judgment. Damages may be awarded against a party appealing without reasonable cause.

Costs and expenses to be taxed.

Damages for appeal without reasonable cause.

(§ 887.) Sec. 15. When a verdict of the jury shall have been finally confirmed by the court, and the time in which to take an appeal has expired, or if an appeal is taken, on the filing in the court below of a certified copy of the order of the supreme court, affirming the judgment of confirmation, it shall be the duty of the clerk of the court to transmit to the common council a certified copy of the verdict of the jury and of the judgment of confirmance, and of the judgment, if any, of affirmation, and thereupon the proper and necessary proceedings in due course shall be taken for the collection of the sum or sums awarded by the jury. The common council shall by resolution determine whether the whole or any just proportion of the compensation awarded by the jury shall be assessed upon the owners or occupants of real estate contained in the assessment district, already fixed and determined as hereinbefore provided, and the whole or any of such just proportion so determined shall be assessed upon the owners or occupants of such taxable real estate, in proportion, as nearly as may be, to the advantage which such lot, parcel or subdivision is deemed to acquire by the improvement: Provided, That in the case of opening and widening alleys, all damages for the taking of property for such opening or widening shall be assessed upon the property directly abutting the alley, or such

Clerk shall transmit to common council certified copy of verdict and judgment.

Common Council shall determine proportion of compensation to be assessed.

Assessment shall be made according to advantage acquired

In case of opening and widening alleys.

portion thereof as is ordered to be opened or widened. The assessment shall be made and the amount levied and collected in the same manner and by the same officers and proceedings, as near as may be, as is provided in the charter of the municipality for assessing, levying and collecting the expense of a public improvement when a street is graded. The assessment roll containing said assessments, when ratified and confirmed by the common council, shall be final and conclusive and prima facie evidence of the regularity and legality of all proceedings prior thereto, and the assessment therein contained shall be and continue a lien on the premises on which the same is made until payment thereof. Whatever amount or portion of such awarded compensation shall not be raised in the manner herein provided, shall be assessed, levied and collected upon the taxable real estate of the municipality, the same as other general taxes are assessed and collected in such city. At any sale which takes place of the assessed premises, or any portion thereof, delinquent for non-payment of the amount assessed and levied thereon, the city may become a purchaser at the sale. Whenever any person shall deed or dedicate land to the City of Detroit for a street or part of a street, or an alley or part of an alley, for the use and benefit of the public, and the same shall be duly accepted by the proper authorities, then the board of assessors for the City of Detroit shall at the time of such acceptance ascertain the last assessed value of the land so deeded or dedicated, according to the area, and certify the same upon the plat, deed or instrument containing the dedication; and thereafter whenever the remaining property of the dedicant which abuts on the land so deeded or dedicated shall be assessed to defray the cost of extending or widening the street or alley, for which said land was deeded or dedicated, there shall be

Manner of assessment and collection.

Assessment roll prima facie evidence.

Assessment shall be a lien on the premises.

Part of award may be assessed upon real estate of municipality.

City may become purchaser at delinquent tax sale.

Persons who dedicate land for streets and alleys shall be credited with the value thereof.

credited upon said assessment an amount equal to the certified assessed value of the land so deeded or dedicated, and the amount so credited shall be paid by the city out of the street opening or contingent fund.

Common Council shall set apart funds for compensation.

(§ 888) Sec. 16. Within one year after confirmation of the verdict of the jury, or after the judgment of confirmation shall on appeal be confirmed, the common council shall set apart and cause to be provided in the treasury, unless already provided, the amount required to make compensation to the owners and persons interested for the private property taken as awarded by jury, and shall in the resolution setting apart and providing said sum, if not already provided, direct the city treasurer to pay to the persons respectively entitled to the money so set apart and provided, to each his or her proportion, as ascertained and awarded by said verdict. And it shall be the duty of the treasurer to securely hold such money in the treasury for the purpose of paying for the property taken, and pay the same to the persons entitled thereto, according to the verdict of the jury, on demand, and not pay out the money for any other purpose whatever. The common council may provide the necessary amount by borrowing from any other money or fund in the treasury, and repay the same from money raised to pay the compensation awarded by the jury when collected, or otherwise, as they may provide. Whenever the necessary sum is actually in the treasury for such purpose, the treasurer shall make and sign duplicate certificates, verified by his oath, showing that the amount of compensation awarded by the jury is actually in the treasury for such purpose, the treasurer shall make and sign duplicate certificates, verified by his oath, showing that the amount of compensation awarded in the treasury for payment

Shall direct city treasurer to pay.

Common Council may borrow from other funds

Treasurer shall certify when money is actually in the treasury.

of the award for the private property taken in the case, giving the title of the case; he shall cause one of the certificates to be filed in the office of the clerk of the court in which the proceedings were had, and the other to be filed with the city clerk or county clerk, which certificate shall be prima facie evidence of the matters therein stated. Whenever the amount of the compensation is in the treasury, and thus secured to be paid, the common council may enter upon and take possession of and use such private property for the purpose for which it was taken, and may remove all buildings, fences and other obstructions therefrom. In case of resistance or refusal on the part of any one to the common council of their agents and servants entering upon and taking possession of such private property for the use and purpose for which it was taken, at any time after the amount of the compensation aforesaid is actually in the treasury ready to be paid to those entitled thereto, the common council by the corporation counsel may apply to the court, and shall be entitled, on making a sufficient showing, to a writ of assistance to put them in possession of the property.

Shall file certificates.

When common council may take possession

May remove obstructions.

In case of resistance common council shall be entitled to writ of assistance.

Fees of officers, jurors and witnesses.

(§ 889) Sec. 17. Officers, jurors and witnesses in any proceedings under this act shall be entitled to receive from the city the same fees and compensation as are provided by law for similar services in an ordinary action at law in the circuit courts of this state.

How expenses and costs shall be paid.

(§ 890) Sec. 18. All the expenses and costs of the proceedings to take and use private property under this act, incurred by the municipality, shall be paid out of the general fund, contingent fund, or a fund provided for such purposes, as the case may be; and it shall be lawful for the judge in any case to order

the payment by the city to any respondent or taxpayer of such a reasonable attorney fee as he may deem just, not exceeding twenty-five dollars, which may be taxed with the costs. Reasonable attorney fee.

(§ 891) Sec. 19. The common council shall not have power to discontinue proceedings under this act after the rendition of the verdict of the jury, but they may direct the corporation counsel to move for a new trial or to arrest the proceedings, or to take an appeal to the supreme court, and in any such case the same proceedings shall be taken as are hereinafter prescribed in the case of like proceedings on the part of any respondent, except that no bond shall be required, nor shall the municipality be required to pay the clerk of the recorder's court fees. Common council may direct corporation council to move for new trial, etc. No bond required of city.

(§ 892) Sec. 20. It shall be prima facie evidence as to who are owners of and persons interested in any property proposed to be taken in the proceedings instituted under this act, if the register or deputy register of deeds of the county shall testify in open court that he has examined the records and titles in his office, and states who such records show are the owners of and persons interested in such property, and the nature and extent of such ownership and interest, and an abstract of the title of such property, or any parcel or parcels thereof, certified by the register or deputy register of deeds, shall also be prima facie evidence as to ownership and persons having an interest in any such property, and the extent and nature of such interest. Prima facie evidence of ownership.

(§ 893) Sec. 21. In case there is on the private property taken, a building or other structure, the same shall be sold by or under the direction of the city treasurer; the amount produced by the sale shall belong to and be paid to the fund for paying the compensation awarded for the property taken, and City treasurer shall sell buildings on property taken

Amount received to be paid to proper fund.

the common council shall cause the proper proportion of such amount to be credited and applied in reduction pro rata of the assessment and apportionment on the assessment district.

Constructive notice of proceeding under this act.

(§ 894) Sec. 22. To render the filing of a petition in the recorder's court under this act, constructive notice to a purchaser of any real estate it shall be the duty of the corporation counsel to file for record with the register of deeds of Wayne county a notice of the filing of such petition, setting forth the title of the cause and the general object thereof, together with a description of the lands to be affected thereby, and it shall thereupon become the duty of the register of deeds to record such notice in a book kept for that purpose upon the payment of the same fees as is provided by law for recording deeds. A copy of such record, authenticated by the register of deeds, shall be evidence of such notice and the filing of same in all courts and places. The register of deeds shall enter in an indexed book kept in his office, such references to said notices as will enable all persons interested to search his office for such notices without inconvenience.

Corporation Council shall file notice with register of deeds.

Evidence of notice.

Common council shall publish notice of determination to open street or alley.

(§ 895) Sec. 23. Whenever the common council shall determine by resolution, to open any street or alley, a conspicuous notice of such determination shall be published in at least two daily papers in the city of Detroit, which shall be deemed constructive notice, and if after the publication of such notice, any person owning real estate in the line of such street or alley shall build or move a house or other structure upon such real estate in the line of any street or alley ordered opened, such house or structure shall be deemed personal property and shall not be condemned as a part of the realty, but when the street is other-

Buildings moved upon the line of any opening after notice deemed personal property.

wise opened may be treated as any other obstruction to a street or alley.

(§ 896) Sec. 24. All acts or parts of acts in conflict herewith are hereby repealed.

Approved June 18, 1903.

SPECIAL ASSESSMENTS WHERE LAND HAS BEEN DEEDED OR DEDICATED.

An act to regulate the levy and collection of special assessments to defray the cost of opening streets in the city of Detroit in cases where land has been deeded or dedicated for a part of such streets.

The People of the State of Michigan enact:

(§897) Section 1. Whenever any person shall deed or dedicate land to the city of Detroit for a street or part of a street for the use and benefit of the public, and the same shall be duly accepted by the proper authorities, then said authorities shall at the time of such acceptance ascertain the last assessed value of the land so deeded or dedicated according to the area and certify or cause to be certified the same upon the plat, deed, or instrument containing the dedication; and thereafter whenever the remaining property of the dedicant which abuts on the land so deeded or dedicated shall be assessed to defray the cost of extending or widening the street for which said land was deeded or dedicated, there shall be credited upon said assessment an amount equal to the certified assessed value of the land so deeded or dedicated.

This act is ordered to take immediate effect.

Approved April 15, 1903.

CHAPTER XXXI.

PRIMARY ELECTIONS.

An act to provide by a direct vote, in the county of Wayne, for nomination at primary elections of candidates of political parties for election to public offices, and to regulate and protect such primary elections, and to punish offenses committed thereat, and also for the election of party committees and delegates to political conventions, and to repeal Act number four hundred eleven of the Local Acts of eighteen hundred ninety-five, approved May sixteenth, eighteen hundred ninety-five.

The People of the State of Michigan enact:

Meaning of the words "primary" and "primary election"

(§ 898) Section 1. That the words "primary" and "primary election" shall be construed to mean an election as herein provided for deciding by ballot who shall be the nominees of the respective political parties for the next ensuing election, and for the selection of delegates to any convention or members of committees of any political party.

Primary election in Wayne county to be governed by this act

(§ 899) Sec. 2. Primary elections within the county of Wayne, held for the purpose of selecting candidates of any political party for election at any regular election, to any public office, the incumbent of which is required by law to be elected by electors of said county, or of some subdivision thereof, and for the

purpose of electing delegates to any convention or the members of the committees of any political party, composed entirely of members elected by electors residing within Wayne county, shall be held at the time, place and in the manner in this act provided, and not otherwise: *Provided*, That the provisions of this act shall not apply to the nomination of township and village officers in any township or village until it has been so determined upon by a two-thirds vote of the respective village council or township board.

Not to apply to township or village unless so determined by local authorities.

Candidate receiving highest vote shall be the nominee.

The candidates who receive the greatest number of votes on any party ticket for each of such offices at any primary shall be the nominees of such party for the ensuing election. In each ward in the city of Detroit, at the first fall primary held after this act takes effect, each political party shall elect by ballot, according to the provisions of this act, one member of the city committee and one member of the county committee, whose terms of office shall be two years from and after their election, or until their successors are elected in like manner, and outside of Detroit there shall be elected in the same manner the number of such committeemen now allowed by party usage. For purposes in this act no officials of any political party committee in the city of Detroit shall be recognized except those chosen from and by the committees elected under the provisions of this act.

Political parties to elect members of committees.

No official recognized unless chosen under this act.

How to get name on ballots.

(§ 900) Sec. 3. To obtain the printing of any candidate's name upon the ballots for any primary election, a petition, signed by the candidate, which shall state the name of the candidate, his residence, street and house number, the political party of which he is a member, and the office sought, shall be filed with the clerk of the city, village, township or county as here-

inafter provided. Such petition shall be filed by the candidate, who shall at the time pay to the clerk a sum of money equal to one-half of one per cent of the salary and fees of the preceding year of such office, the amount thereof to be ascertained or estimated as nearly as may be by such clerk: *Provided*, The sum to be paid with any petition shall not be less than one nor more than fifty dollars: *And provided also*, That all candidates for non-salaried offices shall pay the fixed sum of one dollar. The candidate who filed such petition shall make affidavit, before an officer authorized to administer oaths, to the truths of the statements therein.

Petition shall be filed by candidate.

Expense.

Expense to candidate for non-salaried office.

The above mentioned clerks shall keep on hand printed forms of primary petitions and annexed affidavits.

Printed forms to be kept on hand.

(§ 901) Sec. 4. Primary petitions of all candidates for any village, township or city offices or for committeeship shall be filed with the respective clerks thereof. Primary petitions of candidates for all other elective offices included in section two of this act shall be filed with the clerk of the county; and each of the said clerks shall receive petitions filed in accordance herewith up to and including the fifteenth day before the first day of any primary election, and shall forthwith prepare and publicly expose in his office a list of the candidates for offices and committeeships named in the petitions filed in his office under the headings of party and office and as near as may be as they would appear upon the primary ballots; all moneys accompanying any primary petition shall be received by the clerk with whom the petition is filed, who shall endorse upon the petition the amount received therewith and shall pay over the same to the treasurer of the county, city, village or township, to be placed to the credit

Where petition of candidates shall be filed

Clerks shall expose publicly lists of candidates.

Clerk shall receive moneys and endorse amount on petition.

Shall pay same over to treasurer.

of the fund from which the expense of printing the official ballots is defrayed and from such fund shall be paid any expense of printing authorized in this act. And such clerk shall keep a public record of the petitions filed, in a book with columns in which shall be entered respectively the date, the name of the candidate, office sought, and the amount of fees received. The said clerks respectively shall forthwith, after the last day for filing primary petitions, certify to the proper board of election commissioners the names of all candidates mentioned in said petitions, together with the name of the party and office stated: *Provided*, That for the primaries preceding the April elections in the year nineteen hundred three, such primary petitions of candidates may be filed with the proper clerk up to and including the seventh day before the first day of such primary election.

Clerk shall keep public record of petitions.

Clerks to certify names to election commissioners.

(§ 902) Sec. 5. The county board of election commissioners shall cause to be printed upon the ballots for any primary, preceding any regular election, all the names of candidates for county and district offices within the county limits in whose behalf the requirements of this act have been fulfilled, and no others. The respective boards of election commissioners of each city, village or township shall likewise perform such duty for local primary ballots within the jurisdiction of such boards, including the names of candidates for committees or delegates to conventions as herein provided. The number of ballots to be printed for use at any primary election in any election district shall be fifty per cent more than the total number of votes cast therein at the last general election.

County election commissioners shall have names printed on ballots.

Duty of city, village, and township commissioners.

Number of ballots to be printed.

Proof copy of the primary ballots shall be on file at the proper clerk's office for inspection by candidates at least three days before the primary.

Proof copy of ballots to be on file.

It shall also be the duty of the said county and city boards of election commissioners to cause to be printed pamphlet copies of this act and to furnish at least two copies to each board of election inspectors at the same time the other supplies are furnished. And said boards of election commissioners shall also cause to be printed and distributed a sufficient number of primary ballots for the use of women voters, on which ballots shall be printed only the names of those candidates to be nominated at such primaries for whom women are by law allowed to vote on election day. No women shall be allowed to vote on any other ballot. Separate ballot boxes shall be provided for the votes of women.

Election commissioners to print pamphlet copies of this act.

Ballots for women voters.

Separate ballot boxes for women.

(§ 903) Sec. 6. The ballots for primary election shall be printed by the board of election commissioners as follows: At the top of the ballot shall be printed "Primary Ballot" followed when proper by the designation of political subdivision as county, city, etc., and next underneath, these instructions: "Vote only in one column. Make a cross (X) in the square to the left of as many names for each office as is indicated by the number under the title of such office." Every ballot shall be numbered consecutively, and as provided for numbering of ballots by the general election law. The names of the candidates of each political party shall be printed in a separate column with the name of the party at the top thereof in large letters. No candidate's name shall be printed in more than one column. When there is more than one candidate for the same office or position to be printed in the same column, the board of election commissioners shall determine by lot the order in which such names shall be printed. In a column upon the left of the ballot shall be printed the titles of

How ballots shall be printed

Instructions.

Ballots to be numbered.

Separate column for each political party.

No name in more than one column

Board of election commissioners to determine order of printing in certain cases.

offices to which nominations are to be made, also of committees or delegates to be elected and under each title the number of candidates for which each elector may vote. In the column next to the title of office shall be printed the ticket of the party which had the greatest number of votes for Governor within the State at the last preceding election for Governor; the position of other tickets to be governed relatively by the same rule. Opposite the title to any office or other position shall be printed the names of all candidates for such office or position, each in its proper column according to the political party, and to the left of each name a small square in which a voter shall signify his choice by making a cross (X). The form of the ballot shall be as follows:

Rule governing position on ballot.

PRIMARY BALLOT.

Form of ballot.

Vote only in one column. Make a cross (X) in the square in front of as many names for each office as is indicated by the number under the title of such office.

TITLE OF OFFICE.	REPUBLICAN.	DEMOCRAT.
SHERIFF ONE.	☐ JOHN DOE ☐ JAMES BROWN.	
COUNTY CLERK ONE.	☐ ☐	
COUNTY CORONER TWO.	☐ ☐	

(§ 904) Sec. 7. All primary elections shall be held by election district or precinct at the same times and places as the sessions of the boards of registration are or shall be held preceding each election held in any year, and the polls thereof shall be kept open from eight o'clock a. m. until eight thirty o'clock p. m., standard time, each day: *Provided*, That in townships, villages and cities other than the city of Detroit, primaries shall be held in each district on the third Tuesday preceding any April election, and on the third Wednesday preceding any November election, from the hours of nine o'clock a. m. to five o'clock p. m., or longer, at the option of the township board, but in no case shall the time be longer than from eight o 'clock a. m. to eight thirty o'clock p. m.: *Provided further*, That days now provided for supplemental registration in the city of Detroit shall not be days for holding primaries. No person shall be permitted to vote at a primary election in any election district or precinct until he has been lawfully registered therein: *Provided*, That in election districts outside of the city of Detroit, any elector not registered therein, may vote upon making oath that he is a duly qualified elector of such election district. Such primary elections shall be presided over and conducted by the members of the board of registration of each election district, precinct or township, who shall, by virtue of their office, constitute the board of primary election inspectors, except in townships and villages having two or more precincts where elections shall be conducted by persons appointed by the township or village boards, which persons shall constitute the board of primary election inspectors.

Primaries to be at same time and place as sessions of registration boards.

Opening of polls.

Time of holding primaries outside the city of Detroit.

No person to vote unless registered.

Proviso.

Who to be officers at primary elections.

Inspectors in townships and cities having two or more precincts

(§ 905) Sec. 8. Special primary elections, shall, when necessary, be held prior to any special election; and as near as may

Special primary elections.

be in all matters pertaining thereto shall be held in conformity with this act.

Notice of primary elections.

(§ 906) Sec. 9. All officers required by law to give notices of registration shall also give notice that a primary election shall be held at the same places, and shall state the dates, the time the polls will be open and the purposes for which such primary shall be held.

Primary elections to be governed by law regulating April and November elections as near as may be.

(907) Sec. 10. Primary elections shall, except as herein otherwise provided, be conducted and regulated as near as may be as prescribed by law for the conduct and regulation of April and November elections. All officers required by law to perform any duty or to provide places, ballot boxes, equipments, and supplies for general elections, shall likewise do and provide for primary elections with like power and compensation. All expenses of primaries shall be defrayed from the same fund from which are defrayed like expenses of elections.

Elector shall prepare ballot before entering booth.

(§ 908) Sec. 11. After the polls are open at a primary election, any elector who is legally qualified and registered shall, before entering a booth, be given the proper ballot, and shall, while in the booth, concealed from view, prepare such ballots by

Must not mark cross in more than one column.

marking a cross (X) in the square at the left of such names as he may vote for in the column of the political party of his choice, but in no case in more than one column nor for more candidates for the same office than is indicated by the number under the title thereof. He may, however, vote in his party column for

May write in name.

any candidate whose name is not printed on the ballot, by so writing in such other name as shall make it a substitute for any

Ballot number shall appear on outside.

name which is printed thereon, or when no candidate's name appears on the ballot. He shall then fold the ballot so that the

ballot number shall be on the outside, and present it to the proper inspector, who shall tear off the number and deposit the ballot in the ballot box. The inspectors shall enter on the poll list the name of each elector and the number of his ballot, before the same is given to him, and the inspector receiving the ballot, shall, before depositing it in the box, ascertain by comparison with the poll list, whether it is the same ballot given him, and if it is not the same ballot, he may reject it.

Inspectors shall enter name on poll list.

If any elector shall, after marking his ballot, so expose it to any person as to reveal the name of any person voted for thereon, such ballot shall be rejected and such voter shall forfeit his right to vote at such primary, and a brief minute of such occurrence shall be made in the registration book and on the poll list.

Voter exposing ballot forfeits right to vote.

(§ 909) Sec. 12. The primary inspectors, upon the opening of the polls of the primary, shall lock the cover of the ballot box, which shall not be unlocked or opened until the close of the primary. Each time when the polls are closed for adjournment over night, the ballot boxes shall be locked, sealed and guarded and returned as is directed by law for safekeeping of ballot boxes at regular elections during any recess, or pending the counting of the ballots.

Ballot box to remain closed until voting is finished.

Care of ballot boxes over night.

In the city of Detroit, and in any other place where like provision may be made by law or ordinance, upon the closing of the polls of the primary each night, the ballot boxes shall be turned over to the police department, which shall safeguard the same over night and return them on the following morning before the time for opening the polls.

Care of ballot boxes in the city of Detroit

Counting of ballots.

(§ 910) Sec. 13. Upon the closing of the polls on the last day for the holding of any primary, the ballots shall be counted as provided by law for the counting of ballots at any regular election. In counting such votes those candidates who have a cross (X) made in the square at the left of their names shall be deemed to have been voted for, but no ballot shall be counted where a cross (X) has been made before the names of candidates in more than one column or whereon any name has been transposed by writing or pasting from one column to another; and any ballot upon which more candidates for any office have been voted for than may by law be elected to such office, shall be rejected as to that office.

What ballots to be rejected.

Officers shall publicly declare the result.

(§ 911) Sec. 14. After the votes in any primary in any district shall have been counted, the officers counting the same shall publicly declare the result and forthwith make and certify written detailed statements as are required by law for April and November elections, of the whole number of votes cast in such district for each candidate for each of said offices or positions provided for in section two of this act, and shall certify, subscribe and seal in a separate envelope such statements and write thereon the name and number of the election district, and deliver such statments to such persons and at such times, as are required by law for April and November elections.

Shall certify detailed statement.

Ballots to be returned to ballot boxes.

(§ 912) Sec. 15. As soon as the officers making the count have completed the counting of the votes of their precinct they shall return all the ballots to the ballot box, which shall be locked and sealed and the same and all books, supplies and lists shall be safe-guarded or returned as is prescribed for so doing at the close of general elections. The ballots in the ballot boxes

Boxes to be locked and sealed.

shall be preserved until after the respective boards of election commisisoners shall have made up their respective tickets, and said boards of election commissioners may open such ballot boxes and count the votes therein whenever they may deem it necessary to verify or correct returns, and the custodian thereof, shall, upon written request from said board, produce the same before such board at a time and place designated in such request.

Ballots to be preserved.

Election commissioners may open ballot boxes.

(§ 913) Sec. 16. The board of election commissioners of each city, village or township, shall convene at the clerk's office upon the day (except Sunday) following the last day of any primary, at one o'clock p. m., and proceed to canvass the returns of election districts, and shall forthwith thereby truly determine and make public the names of the nominees for each village, town or city office and the names of members of each political party, committee or delegate to convention elected, which nominees shall be such as shall have received the largest number of votes cast as set forth in such returns for such offices or determined by said commissioners on a recount by them of such ballots. Tie votes in the same column for only one position shall be determined by lot.

Election commissioners shall canvass returns in cities, villages and townships

(§ 914) Sec. 17. At one o'clock p. m. upon the first day after the last day of any primary election preceding any April or November election, the county board of election commissioners shall convene at the county clerk's office, and canvass the returns received, and thereby forthwith determine and make public the names of nominees of each political party for county or district offices within such county.

County election commissioners shall canvass the returns of county and district primaries.

(§ 915) Sec. 18. The several boards of election commissioners shall cause to be printed upon the ballots to be used at elections for each office included in section two of this act, the

Election commissioners shall cause ballots to be printed.

names of candidates for office selected under the provisions of this act, and no others: *Provided*, That when any candidate shall die or shall withdraw as such candidate, then the proper board of election commissioners shall cause to be printed or placed upon such ballot in the place of such candidate, the name of the candidate who shall be selected by the proper party committee upon the certificate of its chairman and secretary, as is provided for general elections by section three thousand six hundred twenty-six of the Compiled Laws of eighteen hundred ninety-seven.

Death or withdrawal of candidate.

(§ 916) Sec. 19. Any person who shall, while the polls are open at any polling place on any primary day, solicit votes in the said polling place; any person who shall offer or give to any other person any intoxicating liquors or drink any intoxicating liquors within any such polling place; any person who shall solicit or receive, directly or indirectly, any money or any promise of place or position or any valuable consideration for his vote or support at any such primary election; any person who shall offer any voter any money or reward of any kind, or who shall promise any place or position for the purpose of securing such votes or vote or support at any such primary election; any person who shall knowingly violate any of the requirements or provisions of this act; any person who shall refuse or neglect to perform any duty enjoined upon him thereby; any person who shall vote or attempt to vote more than once or in more than one election district at the same primary election, shall be guilty of a misdemeanor. When by this act any act or duty is required to be done or performed and the act or duty is required to be done or performed by or under the direction, supervision or authority of any officer and such act or duty shall not be done or per-

No person shall solicit votes within the polling place.

Nor offer or give intoxicating liquors.

Nor solicit or receive money.

Nor offer money or reward.

Nor promise place or position.

Neglect of duty.

Voting or attempting to vote more than once.

formed, then the officer who shall neglect to perform such act or duty or shall suffer or permit the omission to perform such act or duty or direct, require or authorize the omission or non-performance of such act or duty, shall be guilty of a misdemeanor and shall be punished as herein provided. Any person who shall be convicted of any of the acts or omissions which are by this act declared to be misdemeanors shall be punished by a fine not exceeding one thousand dollars, or by imprisonment not exceeding one year, or by both such fine and imprisonment in the discretion of the court. Penalty

(§ 917) Sec. 20. It shall be the duty of the county clerk of said county to cause to be posted in conspicuous places in and upon all places in said county respectively, where primary elections are held for the nomination of county officers, so that the same can be plainly seen and read by all persons at such primary elections, large posters containing the whole verbatim of the preceding section of this act. It shall be the duty of the clerk of any city, township or village in which this act is operative, to deliver to the board of primary election inspectors of each election district within their jurisdiction before the time for opening of the polls on the first day of such primary, the election list of electors used at the last preceding election held therein; also blanks for poll lists and returns and any other supplies necessary to carry out the provisions of this act. It shall also be the duty of said clerks or of such board or other person or persons as are by law required to furnish blank registration books for use by the various registration boards in the various election districts in said county, to furnish the same in time for use at such primary, and to provide that the said books

Posters containing all of preceding section shall be posted in conspicuous places.

Last preceding election list of electors to be delivered to primary election inspectors

Clerks to furnish blank registration

known as the alphabetical election list of electors shall contain, in addition to those required by law at the time of the passage of this act, at least two columns to be used exclusively for recording of the votes cast at primary elections under the provisions of this act, each of which columns shall have printed headings as follows:

"Voted at Fall Primary 19...." "Voted at Spring Primary, 19...."

Appointment of inspectors and clerks in cities, villages and townships

(§ 918) Sec. 21. The common council of cities and villages and the township boards of townships shall provide for the appointment, by said board of primary election inspectors, of two clerks to assist them in carrying on such primary election, but the compensation of such clerks shall not exceed four dollars per day respectively.

Repeal of prior acts.

(§ 919) Sec. 22. Act number four hundred eleven of the Local Acts of eighteen hundred ninety-five, entitled "An act to provide for, regulate and protect primaries, primary elections and conventions of political parties in the county of Wayne, and to punish offenses committed thereat," and all other acts or parts of acts in conflict herewith, are hereby repealed.

This act is ordered to take immediate effect.

Approved March 3, 1903.

CHAPTER XXXII.

DETROIT LIBRARY COMMISSION.

An Act to incorporate the Detroit Library Commission, and to provide means for acquiring land and the construction of a Public Library Building or Buildings thereon, and the maintenance of the same.

(§ 920) Section 1. The persons now in office and constituting the Detroit Library Commission are hereby named, constituted and continued as a board of commissioners of the Detroit Public Library, and they, and their successors in office, shall be known by the name of the "Detroit Library Commission," and in their corporate name are hereby empowered to take and hold by purchase, condemnation, gift, devise, bequest or otherwise, such real and personal property as may be needful or convenient for carrying out the intents and purposes of this act, to make contracts and to establish all reasonable rules and regulations to protect the rights of property vested in the board, and to aid in the performance of the duties imposed upon it. Said commission may adopt and have a common seal, may sue and shall be subject to be sued in all courts of record in like cases as natural persons. The property of the Detroit Library Commission shall be exempt from all taxes and assessments of every kind; no writ of attachment or writ of execution shall be levied upon the

Detroit Library Commission.

Powers of commission.

Property of commission to be exempt from taxation or levy on execution.

property of said board. One member of said Detroit Library Commission shall be elected annually in the place of the member whose term of office expires in that year, by the board of education of the city of Detroit; vacancies for any cause may be filled at any time by the election by the board of education of a person to fill such vacancy. Members of said Detroit Library Commission shall not be members of the Board of Education, except in cases hereinafter mentioned, and when elected shall be clothed with all the powers for the management and control of the library now vested in the board of education or present commission. The terms of office of said commissioners elected by the board of education shall be six years. The president of the board of education shall be ex-officio a member of said commission. Said commission shall have the power to enter into contracts for and supervise the construction of any library building or buildings, also to take such action by contract or otherwise as may be necessary to provide for the maintenance of said library buildings and library, and may appoint, remove or otherwise control all persons employed in such library, and fix their compensation from time to time, in their discretion, and may appoint such officers as they deem necessary for the purposes of said commission. No contract entered into by said commission shall be valid until there shall have been endorsed thereon the certificate of the controller that the money proposed to be expended thereunder is in the treasury of said city or that an appropriation has been made therefor. (As amended by act approved April 2, 1903.)

One member to be elected annually.

Vacancies to be filled by board.

Shall not be members of board of education.

Terms of office.

Commission shall have power to make certain contracts.

May appoint and remove employees and fix their compensation.

Certificate of controller required on all contracts.

(§921) Sec. 2. The common council of the city of Detroit is hereby authorized to borrow a sum of money not exceeding one million dollars on the faith and credit of said city, and upon the

Council may borrow money.

best terms that can be made, and to issue bonds of said city to an amount not exceeding that sum, pledging its faith and credit for the payment of the principal and interest, but said bonds shall not be negotiated at less than their par value. Said bonds shall be denominated "Public Library Bonds of the City of Detroit," and shall be regularly dated and numbered in the order of their issue, and shall be for sums of not less than five hundred dollars each, and shall bear interest not exceeding four per cent. per annum, and shall be payable in thirty years from date. They shall be issued under the seal of the city, signed by the Mayor and countersigned by the controller. The controller shall keep an accurate record of said bonds showing the class of indebtedness to which they belong, the number, date and amount of each bond; its rate of interest, when and where the same is payable, and the person to whom it is issued or any transferee thereof. No bonds shall be issued under this Act until the issue of the same shall have been authorized and approved by the Board of Estimates of the city of Detroit. Such money shall not be borrowed, nor such bonds issued, unless a majority of the qualified electors of the city of Detroit, voting at any general election to be held, in said city, voting on the question of said loan shall so determine, and the common council of said city is hereby authorized and required to give notice of submitting the question of said loan to the qualified electors of said city, by giving due notice thereof, causing the date, place of voting, and object of said election to be stated in a printed or written notice and posted in six public places in each voting precinct in said city, not less than six days before said election, and publishing the same in one or more of the daily papers published in said city for three days prior to said election, which

Issue bonds.

Denomination of bonds.

Dated and numbered, and amount of.

Interest on bonds.

When bonds may be issued.

Question to be submitted to electors.

notice shall state the amount of money proposed to be borrowed, the amount of bonds to be issued, and the purpose thereof; and it is hereby made the duty of said common council to cause said question to be duly submitted and to do any and all other legal acts which may be necessary for the proper and legal submission thereof. Such proposition shall be submitted in the following manner; the same being printed upon the official ballots for said election, or upon special ballots, if so ordered by the common council. The wording wherein such proposition shall be submitted shall be as follows:

Ballots.

For issuing Library Bonds, Yes....

For issuing Library Bonds, No....

How election conducted.

The election shall be conducted and the votes canvassed and returns made, in all respects, as the aforesaid election held in said city is by law required to be conducted, and immediately upon the conclusion of such canvass, the Board of Canvassers shall make and sign certificate showing the whole number of votes cast upon such proposition, and the number for and against the same respectively; such city canvassers shall endorse upon the certificate, and declare in writing the result of such election; such certificate and declaration shall then be filed with the city clerk, and entered and attached upon the records of said city, and a copy of said certificate and declaration, certified to by the city clerk, shall be filed by him with the controller of said city.

Sinking fund.

(§ 922) Sec. 3. In order to provide a sinking fund for the redemption of the bonds provided for in the preceding section, the common council shall have power, and it shall be its duty, to raise by taxation in each year, upon the property assessed for city purposes, within said city, a sum equal to two and one-half

per cent. of the amount of said bonds issued under the provisions of this act, which sum, when raised, shall be credited to the sinking fund of said city for the purposes aforesaid. The principal realized from the issue and sale of said bonds shall be deposited in the city treasury to the credit of the public library fund for the purpose hereinbefore mentioned, and shall be applied exclusively to the purpose of acquiring sites and the construction of public library buildings, and the maintenance of public libraries in the city of Detroit. The premium and accrued interest, if any, shall be credited to the sinking fund. A special library tax of one-fifth of one mill on the dollar on property assessed for city purposes shall be levied each year with the other city taxes, and the said tax, when collected, shall be placed to the credit of the public library fund. (As amended by act approved April 2, 1903.)

Purpose to be applied.

Special library tax

(§ 923.) Sec. 4. On and after July first, one thousand nine hundred and three, all pay rolls, bills, accounts and claims of every character against the Library Commission after having been duly audited and approved by said commission, the certificate of which audit and approval shall be endorsed thereon by the president and secretary of said commission, shall be transmitted to the city controller, who shall submit the same to the common council with his approval or disapproval. When said pay rolls, bills, accounts and claims shall have been allowed by the common council, and the payment thereof approved by the mayor, the controller shall draw his warrant or warrants on the city treasurer in payment therefor. No bill, account or claim shall be audited or approved by said commission unless the same shall be accompanied with a sworn affidavit of the person rendering the same that he verily believes the services or property therein

All bills and accounts to be transmitted to controller.

Controller may approve or disapprove.

Controller may draw warrant.

Affidavit required of person rendering account

charged have been actually performed or delivered for said commission, that the sums charged therefor are reasonable and just, and that to the best of his knowledge and belief no set-off exists, nor payment has been made on account thereof, except such as are included in or referred to in such account. A similar affidavit shall be required upon all pay rolls, said affidavit to be made by the person under whose supervision the services charged have been rendered. (As amended by act approved April 2, 1903.)

Affidavit on all pay rolls.

Private property may be taken.

(§ 924) Sec. 5. The Detroit Library Commission is hereby authorized to take private property for the use and benefit of the Detroit public libraries, within the limitation of the State Constitution, and to institute and prosecute proceedings for that purpose.

Proceedings to take private property.

(§ 925) Sec. 6. Such proceedings may be commenced and prosecuted under this act, whenever the Detroit Library Commission shall have declared a new public library building a public necessity in the municipality, and shall declare that they deem it necessary to take private property, describing it, for such public improvement, designating it; and that the improvement is for the use and benefit of the public; and they shall, by resolution, direct the Corporation counsel of the city of Detroit to institute the necessary proceedings in behalf of the said Detroit Library Commission, in the proper court, to carry out the object of the resolution in regard to taking private property by the said board of education. Jurisdiction is hereby conferred upon the Recorder's court of the city of Detroit in all cases brought under this act.

(§ 926) Sec. 7. The secretary of the Detroit Library Commission shall make and deliver to such corporation counsel, as soon as may be, a copy of such resolution, certified, and under seal, and it shall be the duty of such corporation counsel to prepare and file in the name of the Detroit Library Commission, in the court having jurisdiction, a petition signed by him, in his official character, and duly verified by him, or by some person having knowledge of the facts; to which petition a certified copy shall be prima facie evidence of the action taken by the Detroit Library Commission, and of the passage of such resolution. The petition shall state among other things, that it is made and filed as commencement of judicial proceedings by the Detroit Library Commission in pursuance of this act, to acquire the right to take private property for the use and benefit of the public schools of said city, without the consent of the owners, for a public improvement, designating it, for a just compensation to be made. A description of the property proposed to be taken shall be given, and generally, the nature and extent of the use thereof, that will be required in making and maintaining the improvement shall be stated, and also the names of the owners and others interested in the property, so far as can be ascertained, including those in possession of the premises. The petition shall also state that the Detroit Library Commission has declared such new school building, or addition to old school buildings, to be a necessity, and that they deem it necessary to take the private property described in that behalf, for such improvement, for the use or benefit of the public library of said city. The petition shall ask that a jury be summoned and empaneled to ascertain and determine whether it is necessary to take such private property as it is proposed to take, for the use

Corporation Council to prepare petition.

Contents of petition.

or benefit of the public library of said city, and to ascertain and determine the just compensation to be made therefor. The petition may state any other pertinent matter or thing, and may pray for any other or further relief to which the said Detroit Library Commission may be entitled within the object of this act

Duty of clerk of court upon receipt of petition.

(§ 927) Sec. 8. Upon receiving said petition it shall be the duty of the clerk of said court to issue a summons against the respondents named in said petition, and state briefly the object of said petition, and commanding them, in the name of the people of the State of Michigan, to appear before said court at a time and place to be named therein, not less than twenty days nor more than forty days from the date of the same, and show cause, if any they have, why the prayer of said petition should not be granted.

Summons how and when served.

(§ 928) Sec. 9. Said summons shall be served by the sheriff, under sheriff or a deputy sheriff of the county, or by any member of the Metropolitan Police Force of the city of Detroit, at least five days before the return day thereof, upon all the respondents found within the county, by exhibiting the original and delivering a copy to each of them. If any respondent who is a resident of the county, cannot be found, the summons shall be served by leaving a copy thereof at his or her usual, or last place of abode, with some person of suitable age and discretion. If any minor, or person of unsound mind is interested in the premises to be taken, service may be made upon the guardian of such person, if any; and if there is no guardian, the court may appoint some discreet and proper person to be guardian for such person; in such proceeding any such guardian shall have authority to rep-

resent such person in said proceedings. Proceedings to appoint such guardians shall be the same as in other cases provided by statute. If it shall appear on the return day of the summons that any respondent cannot be found in the county, and has not been served in the manner provided, and if a non-resident has not voluntarily appeared, the court may make an order requiring said respondent or respondents to appear and show cause why the prayer of the petition should not be granted on a day to be named in the order, not less than thirty days from the date thereof, and may require that a certified copy of said order be personally served upon said respondents, wherever found, if practicable, at least six days before the time named in the order for appearance, or the court may make such order for appearance and require as to any or all such non-resident respondents who shall not have been served and have not appeared, that service be made by publishing a certified copy of such order for three successive weeks, at least once in each week, in at least one newspaper published within the municipality; the last publication to be at least six days before the date fixed in the order for appearance. Alias and pluries summons may be issued and the court may adjourn proceedings from time to time, as there shall be occasion to, as in any other civil cases. Service of such order in either mode prescribed shall be sufficient notice to bind the respondents, and the property represented by them. The return of the officer upon the summons and an affidavit of the due service of publication of the order for appearance, if any, shall be filed in the clerk's office before a jury shall be empaneled, and be sufficient evidence of service on the respondents and of the manner of service.

Appointment of guardian

Service by publication.

Alias and pluries summons

Return of officer

Empaneling the jury

(§ 929) Sec. 10. On the return day of the summons, or on some subsequent date to which the proceedings are adjourned, if no sufficient cause to the contrary be shown, the court shall make an order that a jury be empaneled in the cause. Such jury shall be composed of twelve freeholders of the municipality, and shall be selected and empaneled as follows: The sheriff, under sheriff or deputy sheriff of the county, shall on the same day, or at an adjourned day, make a list of twenty-four resident freeholders of said city, and the corporation counsel, or by an assistant, and

Rights of the parties

the respondents collectively, shall each have the right to strike six names from the list of persons written down as aforesaid, and subject to objection for cause, and the twelve persons whose names are left on the list shall compose the jury for the trial of the cause, and shall be summoned to attend at such time as the court shall direct, by a venire issued by the clerk of the court, and to be served by one of the officers aforesaid. If the respondents neglect or refuse to strike six names from said list, it shall be done by the judge of the court, and in case any of the persons to be summoned cannot be found in the county, or being summoned do not attend or shall be excused for cause or otherwise, talesmen possessing the necessary qualifications may be summoned as jurors in the cause by said sheriff or sheriff's officer,

Practice

or authorized person, and the practice and proceedings under this act, except as herein provided, relative to the empaneling and summoning, and excusing the jurors and talesmen and imposing fines or penalties upon them for non-attendance, shall be the same as the practice and proceedings in the Circuit Courts of the State relative to petit jurors in civil cases in such courts, except that peremptory challenges shall not be allowed. Every

person who shall directly or indirectly ask to be placed upon said jury list shall thereby render himself ineligible to serve as a juror in said court for one year thereafter.

(§ 930) Sec. 11. Every jury empaneled in any cause shall be sworn as follows: You do solemnly swear (or affirm) that in the matter of taking private property for public use for the use and benefit of the Detroit Library Commission, you will well and truly ascertain and determine whether there is a public necessity for making the proposed improvement, and for taking for the use and benefit of the Detroit Library Commission the private property which the petition describes and prays may be taken, and if you determine that it is necessary, then that you ascertain and determine and award the just compensation to be made therefor, and faithfully and imparitally discharge all other duties as devolve upon you in this case, and unless discharged by the court a true verdict give according to law and the evidence, so help you God. They shall hear the proof and allegations of the parties and the arguments of counsel, and if so ordered by the court shall go to the place of the intended improvement in charge of an officer, and upon, or as near as practicable to any property proposed to be taken, and examine the premises. They shall be instructed as to their duties and the law of the case by the court, and shall retire under the charge of an officer, and render their verdict in the same manner as on the trial of any ordinary civil case.

Oath of jury.

Mode of trial.

(§ 931) Sec. 12. The jury shall determine in their verdict the public necessity for the proposed improvement, and for taking such private property for the use and benefit of the public library of said city for such proposed improvement, and in case

What the verdict shall determine

Jury shall award compensation.

they find that such necessity exists, they shall award to the owners of said property such compensation therefor as they shall deem just, but it shall not be necessary for them to state in their report the damages separately, but only the net amount of damages. If any such private property taken shall be subject to a valid mortgage, lease, or agreement, and the taking thereof for such purpose will impair such security, lease or agreement, the jury shall apportion and award the owner of said mortgage, lessee or person interested in said agreement, such portion of the compensation as they shall deem just, and if there are any buildings or other personal property situated on the land taken, the jury may, at the request of the owner, allow instead of damages for the value, damages and expenses for the removal thereof. The damages for taking any land belonging to the estate of a deceased person shall be awarded to said estate, and shall be paid to the executor or administrator of said estate, or if there is no such administrator or executor ,or if he cannot be found, it shall be deposited with the Treasurer of the Board of Education to the credit of said estate and be paid to the person entitled to receive the same when found.

Land belonging to estate of deceased person.

Court may allow jury to have petition and maps.

(§ 932) Sec. 13. To assist the jury in arriving at a verdict the court may allow the jury when they retire to take with them the petition filed in the case, and maps showing the proposed improvement, and the location of each and all the parcels of property to be taken, with the names of all parties interested in such property, and may also submit to them a blank verdict, which may be as follows:

PART I.

Blank form of verdict.

We find that it is ——— necessary to take the private property described in the petition in this cause, for the use and (or)

benefit of the public library of the City of Detroit, for the proposed public improvement.

PART II.

The just compensation to be paid for such private property we have ascertained and determined and hereby award as follows:

Description of each of the several parcels of private property to be taken.	Owners, occupants and others interested in each parcel.	Compensation.	To whom payable.
.....	.....	.....	.....
.....	.....	.....	.....
.....	.....	.....	.....
.....	.....	.....	.....

The different descriptions of the property and the names of the occupants, owners and others interested therein may be inserted in said blank verdict under the direction of the court, before it is submitted to the jury, or it may be done by the jury.

Verdict may be set aside.

(§ 933) Sec. 14. The verdict of the jury may be set aside by the court and a new trial ordered as in civil cases in the Circuit Courts in this State, and amendments either in form or substance may be allowed in any paper, petition, process, record or proceeding, or in the description of the property proposed to be taken, or the name of any person, whether contained in a resolution passed by the Detroit Library Commission of the City of Detroit, or otherwise, whenever the amendment will not interfere with the substantial rights of the parties. Any such amendment may be made after as well as before judgment confirming the verdict of the jury.

Appeal from proceedings to take private property.

(§ 934) Sec. 15. Any person whose property may be taken considering himself aggrieved may appeal from the judgment of the court confirming the verdict of the jury by filing in writing with the clerk of said court a notice of such appeal within five days after the confirmation, and within the same time serving a copy thereof on the Corporation Counsel of the City of Detroit, and filing a bond in said court to be approved by the judge thereof, conditioned for the prosecution of said appeal to the judgment and the payment of all costs, damages and expenses that may be awarded against him, in case the judgment of confirmation shall be confirmed. Such appeal shall be perfected within the same time and prosecuted as an appeal in chancery, as near as may be, subject to the provisions of this act.

When appeal may be heard

(§ 935) Sec. 16. Said appeal may be brought on for hearing at any term of the Supreme Court, and said court may affirm, or for any substantial error reverse the judgment and may grant a new trial. Said court shall allow the prevailing party his reasonable costs and expenses to be taxed, and give judgment as in other chancery appeals, and all costs, damages and expenses awarded to the Detroit Library Commission of the City of Detroit, if it so elect, may be applied on or deducted from the compensation, if any, to be paid, or execution may issue on the judgment. Damages may be awarded against a party appealing without reasonable cause.

Verdict confirmed, proceedings on

(§ 936) Sec. 17. When the verdict of the jury shall have been finally confirmed and the time in which to take an appeal has expired, or if an appeal is taken, on filing in the court below of a certified copy of the order of the Supreme Court, affirming the judgment of confirmation, it shall be the duty of the clerk of

the court to transmit to the secretary of the Detroit Library Commission of the City of Detroit a certified copy of the verdict of the jury and of the judgment of confirmation, and of the judgment, if any, of confirmance.

Compensation for property taken.

Commission shall set apart fund.

(§ 937) Sec. 18. Within one year after the confirmation of the verdict of the jury, or after the judgment or confirmation shall on appeal be confirmed, the Detroit Library Commission of the City of Detroit, shall set apart and cause to be provided in the treasury of the Detroit Library Commission of the City of Detroit the amount required to make compensation to the owners and persons interested for the private property taken as awarded by the jury, and shall in the resolution setting apart and providing said sum direct the secretary of the Detroit Library Commission to draw a warrant upon the treasurer of said Board for such amounts required to make compensation to the owners or person interested for the private property taken as awarded by the jury, and shall in the resolution setting apart and providing said sum direct the treasurer of the Detroit Library Commission to pay to the persons respectively entitled to the money so set apart and provided to each his or her proportion, as ascertreasurer of the Detroit Library Commission to securely hold such money for the purpose of paying for the property taken, and pay the same to the persons entitled thereto according to the verdict of the jury, on demand and not pay out the money for any other purpose whatever. Whether the necessary sum is actually in the treasury of the Detroit Library Commission for such purpose the treasurer shall make and sign duplicate certificates, verified by his oath, showing that the amount of compensation awarded by the jury is actually in the treasury for the payment of the private property taken in the case, giving the

Treasurer shall make duplicate certificate

title of the case. He shall cause one of the certificates to be filed in the office of the clerk of said court in which the proceedings were had, and the other to be filed with the secretary of the Detroit Library Commission. Each certificate shall be prima facie evidence of the matters therein stated. Whenever the amount of such compensation is in the treasury, and thus secured to be paid, the Detroit Library Commission of the City of Detroit may enter upon and take possession of, and use such private property for the purpose for which it was taken, and may remove all buildings, fences and other obstructions therefrom. In case of resistance or refusal on the part of anyone to the Detroit Library Commission of the City of Detroit, or their agents and servants entering upon and taking possession of such private property for the use and purpose for which it was taken, at any time after the amount of the compensation for such is actually in the treasury ready to be paid to those entitled thereto, the Detroit Library Commission of the City of Detroit, by the Corporation Counsel, may apply to the court, and shall be entitled on making a sufficient showing, to a writ of assistance to put them in possession of the property.

Fees of officers jurors and witnesses in proceedings to take private property.

(§ 938) Sec. 19. Officers, jurors and witnesses in any proceedings under this act will be entitled to receive from the Detroit Library Commission of the City of Detroit, instituting the proceedings, the same fees and compensation as are provided by law for similar services in an ordinary action at law in the Circuit Courts of this State.

New trial or arrest of proceedings.

(§ 939) Sec. 20. The Detroit Library Commission of the City of Detroit shall not have power to discontinue proceedings under this act after the rendition of the verdict of the jury, but

they may direct the Corporation Counsel of the City of Detroit to move for a new trial or to arrest proceedings, or to take an appeal to the Supreme Court, and in any such case the same proceedings shall be taken as are hereinbefore prescribed in the case of like proceedings on the part of any respondent, except that no bond shall be required nor shall the Detroit Library Commission of the City of Detroit be required to pay the fees of the clerk of the Recorder's Court.

Building, etc., on private property taken to be sold.

(§ 940) Sec. 21. In case there is on the private property taken a building or other structure, the same shall be sold by or under the direction of the Detroit Library Commission; the amount produced by the sale shall belong and be paid to the fund for paying the compensation awarded for the property taken: *Provided*, That no proceedings as above mentioned shall be taken until the Board of Estimates of the City of Detroit, and the common council of the City of Detroit, shall have first allowed such sum as will reasonably be supposed to cover the expenses of such proceedings.

Proviso as to expenses of proceedings.

(§ 941) Sec. 22. All acts and parts of acts contravening the provisions of this act are hereby repealed.

This act is ordered to take immediate effect.

Approved 1901.

CHAPTER XXXIII

VOTING MACHINES.

(Chapter 97, Compiled Laws of 1897, p. 1163.)

Voting machines, who may authorize the use of.

(§ 942.) Section 1. The people of the State of Michigan enact, That the Board of Supervisors of any county may at their annual meeting by a two-thirds vote, authorize the use of any thoroughly tested and reliable voting machine at any township election, to be held within their respective counties, during the ensuing year after such annual meeting, and any city council, or village council, may at any regular meeting authorize the use of such voting machines at any election to be held within their respective cities or incorporated villages during the ensuing year, but all voting by machines shall be a secret vote as hereinafter provided.

Voting, how done.

(§ 943.) Sec. 2. All voting shall be done in voting booths or compartments of suitable dimensions to enclose one voter with a voting machine in such a manner as to insure a secret vote, providing that if any voter makes affidavit that he is unable to vote intelligently on account of defective eyesight, or other physical disability, or from ignorance, the chairman of the Board of Election Inspectors shall designate an inspector, who in the presence of the authorized challengers or other inspectors shall assist a physically disabled voter, or instruct a voter who cannot read the ballot, how to operate the machine to give expression to such voter's choice, but in no case shall any such voter be advised

Assisting disabled voter

what person or party ticket to vote for, that question being left solely for the voter's own choice and determination. Whenever a voter has been assisted or instructed as indicated, a notation to that effect shall be made in the poll book, or register of electors, and on the poll list and tally sheets stating briefly the nature of the disability of such voter.

To test machine, etc.

(§ 944.) Sec. 3. The board of election commissioners shall thoroughly test all voting machines within thirty days previous to any election at which the use of such machines has been authorized. They shall also see that the names of all duly authorized nominees for office are suitably placed and arranged in connection with the voting machine and deliver the voting machines and all their appurtenances connected with them in perfect order for use in the voting, together with full instructions for the voters' information, to the proper officials in time for use on election day.

Instructions to be placed in booth.

(§ 945.) Sec. 4. The board of inspectors of election will place plain printed or written instructions for voters in each voting booth or compartment before the opening of the polls, showing how to vote on the machines and will give general oral instructions previous to a voter's entering a voting booth, to such voters as may desire them. They will also determine what length of time not to exceed three minutes a voter may remain in the voting booth or compartment.

Ordinary ballot box for questions submitted.

(§ 946.) Sec. 5. An ordinary ballot box shall be provided for use in each voting precinct, wherein shall be cast duly authorized ballots relating to any question or matter not provided for by the voting machine, if any, and such votes shall be counted for by the voting machine, if any, and such votes shall be counted and returns made as provided by existing laws.

Board of registration to provide and explain operation of machine.

(§ 947.) Sec. 6. Whenever the use of voting machines has been duly authorized in any city, village, or township, one such voting machine shall be placed in each voting precinct, whenever and wherever a board of registration is in session, and some member of such board will call the attention of voters who are entitled to registration, to such voting machine and explain how it will operate when used on election day, to all such voters, if they will express a desire for such information.

Vote to be publicly proclaimed.

(§ 948.) Sec. 7. At the close of the polls a statement of the votes for each and every person and proposition as shown by the voting machine shall be ascertained and publicly proclaimed by the board of election inspectors and correct copies of the result of the vote shall be made up in proper form and transmitted to the designated officials as required by existing laws, but no adjournment of any board of election inspectors shall take place until the true result of the vote has been ascertained and publicly announced.

Damaging machines.

(§ 949.) Sec. 8. Any person who shall knowingly and willingly damage any voting machine or knowingly and willingly do anything to obstruct its use or make a wrong use of such machine on election day, or shall violate any of the provisions of this act shall be deemed guilty of a misdemeanor and on conviction thereof shall be punished by a fine of not less than $100 nor more than $300 or by imprisonment of not less than six months nor more than three years, or by both such fine and imprisonment, in the discretion of the court.

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(§ 950.) Sec. 9. All election laws not incompatible with this act are continued in full force and effect.

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